

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EVARISTO NAVARRO RODRIGUEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 88579-COA

**FILED**

OCT 16 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

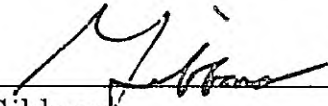
*ORDER OF AFFIRMANCE*

Evaristo Navarro Rodriguez appeals from a district court order denying a motion to modify and/or correct an illegal sentence filed on October 12, 2023. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

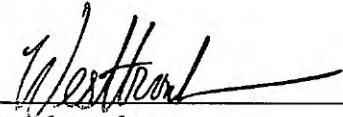
In his motion, Rodriguez claimed the State committed prosecutorial misconduct at the grand jury proceedings, the misconduct was plain or structural error, and his judgment of conviction should be reversed and his case remanded for a new trial. “[A] motion to modify a sentence is limited in scope to sentences based on mistaken assumptions about a defendant’s criminal record which work to the defendant’s extreme detriment.” *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). A motion to correct an illegal sentence may only challenge the facial legality of the sentence: either the district court was without jurisdiction to impose a sentence or the sentence was imposed in excess of the statutory maximum. *Id.* The district court may summarily deny a motion to modify or correct an illegal sentence if the motion raises issues that fall outside of the very narrow scope of issues permissible in such motions. *Id.* at 708 n.2, 918 P.2d at 325 n.2.

Without considering the merits of Rodriguez's claims, we conclude they fall outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. Therefore, we conclude the district court did not err by denying Rodriguez's motion, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Kathleen M. Drakulich, District Judge  
Evaristo Navarro Rodriguez  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk