

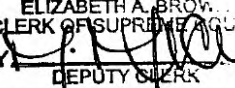
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

COREY MICHAEL KALATA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88549-COA

FILED

JAN 16 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

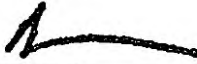
ORDER OF AFFIRMANCE.

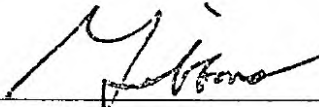
Corey Michael Kalata appeals from a district court order denying motions to modify or correct an illegal sentence filed on December 26, 2023, January 9, 2024, January 18, 2024, February 5, 2024, and March 20, 2024. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

In his motions, Kalata collectively claimed: (1) he was entitled to presentence credit for the time he spent being monitored by pretrial services; (2) the time he spent being monitored by pretrial services amounted to involuntary servitude; (3) his consecutive sentences violated the Double Jeopardy clause because they were based on one criminal act; (4) he has been improving himself while in prison; and (5) his plea deal was illegally altered. These claims fell outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996) (holding that “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” and that 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). Therefore, without considering the merits of any of the claims raised in the motions, we conclude the district court did not err by denying the motions.¹ Therefore, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Kathleen M. Drakulich, District Judge
Corey Michael Kalata
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹To the extent Kalata raises additional claims on appeal that were not presented in his motions below, we decline to consider them in the first instance. *See State v. Wade*, 105 Nev. 206, 209 n.3, 772 P.2d 1291, 1293 n.3 (1989).