

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

THOMAS LOZA RIOS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 90356-COA

**FILED**

NOV 26 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

*ORDER AFFIRMING AND DISMISSING APPEAL IN PART*

Thomas Loza Rios appeals from a district court order denying a motion to vacate an illegal sentence filed on January 21, 2025.<sup>1</sup> Eighth Judicial District Court, Clark County; Carli Lynn Kierny, Judge.

Rios argues the district court erred by denying his claims that: (1) the State tampered with witnesses; (2) counsel forced him to take a plea deal and took advantage of him while he was on mind-altering drugs; (3) counsel told him he would get parole in 12 years and would expire his sentence in 14 years; (4) counsel told him to tell the district court he was not on mind-altering drugs at the change of plea hearing; (5) he was not the shooter and he did not have a gun on his person or in his residence; (6) the photo lineup was unfair; (7) he was denied his equal protection rights; and (8) he had no access to the law library while he was on the mental health unit.

“[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.

---

<sup>1</sup>The district court construed Rios’s motion as a motion to modify or correct an illegal sentence. We conclude the district court did not err in this regard.

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 Rios'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 Rios's motion,<sup>2</sup> and we

ORDER the judgment of the district court AFFIRMED and  
DIMISS THE APPEAL IN PART.

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

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

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

---

<sup>2</sup>In his notice of appeal, Rios also designated an order denying a different, later-filed motion to correct an illegal sentence and a motion to withdraw guilty plea. At the time Rios filed his notice of appeal, the district court had not entered an order, either oral or written, denying these motions. Thus, Rios's notice of appeal was premature as to these motions, and we dismiss this portion of the appeal without prejudice to Rios's right to appeal from a final, written order of the district court denying the motions.

cc: Hon. Carli Lynn Kierny, District Judge  
Thomas Loza Rios  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk