

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICHARD THOMAS JOHNSTON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 91164-COA

**FILED**

**MAY 06 2026**

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

*ORDER OF AFFIRMANCE*

Richard Thomas Johnston appeals from a district court order denying a motion to modify sentence filed on July 8, 2025. Eighth Judicial District Court, Clark County; Tara D. Clark Newberry, Judge.


In his motion, Johnston argued he was sentenced under the incorrect version of the sexual assault statute because his crimes occurred when a previous version of the statute was in effect. “[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). The district court may summarily deny a motion to modify a sentence if the motion raises issues that fall outside the very narrow scope of issues permissible in such a motion. *Id.* at 708 n.2, 918 P.2d at 325 n.2.

Without considering the merits of Johnston’s claim, we conclude it fell outside the narrow scope of claims allowed in a motion to

modify a sentence. Therefore, we conclude the district court did not err by denying Johnston's motion, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Tara D. Clark Newberry, District Judge  
Richard Thomas Johnston  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk