



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEVIN JAY REESE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 91678-COA

ORDER OF AFFIRMANCE

Devin Jay Reese appeals from a district court order denying a “motion to modify sentence and/or amend judgment of conviction to run sentences concurrent” filed on October 7, 2025. Second Judicial District Court, Washoe County; Kathleen A. Sigurdson, Judge.

Reese claims the district court abused its discretion by denying his motion. In his motion, Reese claimed (1) the State violated the terms of his plea agreement by arguing against concurrent sentencing, (2) he was entitled to additional presentence credit for time served, (3) the sentencing court relied on materially false assumptions regarding his criminal history, and (4) his sentence was based on an inaccurate understanding of his criminal history rather than the crimes to which he pleaded guilty. Regarding his third and fourth claims, Reese argues on appeal that the State misrepresented the facts regarding the instant offense and that the district court relied on a “sensationalized narrative” of his offense conduct in sentencing him. Reese alternatively argues that, even if the district court did not rely on the State’s factual misrepresentations about the instant offense, the district court nevertheless improperly focused on his poor performance in a mental health diversion program at sentencing.

“[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). We review a district court order denying a motion to modify for an abuse of discretion. *Cf. Martinez-Garcia v. State*, 141 Nev., Adv. Op. 16, 566 P.3d 1112, 1114 (2025) (“We review a district court order denying a motion to correct an illegal sentence for an abuse of discretion.”); *see also State v. Eighth Jud. Dist. Ct. (Brown)*, 141 Nev., Adv. Op. 27, 569 P.3d 637, 640 (2025) (analogizing motions to correct an illegal sentence to motions to modify a sentence in terms of the right to appeal and likening both to motions for a new trial).

After review, we conclude Reese’s claims fall outside the narrow scope of claims permissible in a motion to modify sentence. For the first two claims, Reese does not allege they relate to his criminal record and thus fails to allege a claim within the scope of a motion to modify sentence. As to Reese’s third and fourth claims, they concern the district court’s understanding of Reese’s criminal conduct in this case. *See Edwards*, 112 Nev. at 707, 918 P.2d at 324 (noting a motion to modify sentence is limited to instances where “the mistaken sentence is the result of the sentencing judge’s misapprehension of a *defendant’s criminal record*” (internal quotation marks omitted)). To the extent the district court relied on any factual misrepresentations about Reese’s criminal conduct in this case, such misrepresentations do not pertain to Reese’s criminal record as required for a motion to modify sentence. Similarly, Reese’s alternative argument that the district court improperly focused on his poor performance in a mental health diversion program at sentencing does not involve any misapprehension about Reese’s criminal record but relates to the district court’s understanding of his conduct in this matter. Because Reese’s

claims fall outside the scope of claims allowed in a motion to modify sentence, we conclude the district court did not err by denying his motion.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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Bulla, C.J.

A handwritten signature in black ink, appearing to be 'Gibbons', with a stylized, cursive script.

Gibbons, J.

A handwritten signature in black ink, appearing to be 'Westbrook', with a cursive script.

Westbrook, J.

cc: Kathleen A. Sigurdson, District Judge
Washoe County District Attorney
Devin Jay Reese
Attorney General/Carson City
Washoe District Court Clerk