

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEPHEN F.P. CIOLINO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71996

**FILED**

OCT 11 2017

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

*ORDER OF AFFIRMANCE*

Stephan F.P. Ciolino appeals from a district court order summarily denying his motions to modify a sentence and to correct an illegal sentence he filed on November 21, 2016.<sup>1</sup> Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Ciolino claims the district court erred by denying his motions because he was not given time to respond to the State's pleadings and the district court's orders, the district court was biased, he did not receive an evidentiary hearing, and the district court failed to consider his actual-innocence claim, errors in the presentence investigation report (PSI), the loss of exculpatory evidence, his guilty plea was not entered voluntarily, and his defense counsel was ineffective.

"[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

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<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

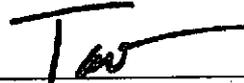
17-90215

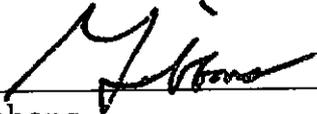
may only challenge the facial legality of the sentence: either the district court was without jurisdiction to impose a sentence or the sentence was imposed in excess of the statutory maximum. *Id.* The district court may summarily deny a motion to modify or correct an illegal sentence if the motion raises 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.

We conclude Ciolino failed to demonstrate the alleged errors in his PSI worked to his extreme detriment, and we decline to consider his remaining claims because they fall outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. Having concluded the district court did not err in denying Ciolino's motions to modify a sentence and to correct an illegal sentence, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

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

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<sup>2</sup>To the extent Ciolino challenges the denial of his motions for transportation of an inmate for a court appearance, correction of a presentence investigation report, and appointment of counsel, we conclude the district court did not abuse its discretion by denying these motions.

cc: Hon. Kathleen E. Delaney, District Judge  
Stephen F.P. Ciolino  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk