

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENYA COLLINS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74544

FILED

FEB 02 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order denying a motion to clarify the terms of appellant's probation. Eighth Judicial District Court, Clark County; Mark B. Bailus, Judge.

Because no statute or court rule provides for an appeal from an order denying a motion to clarify probation, this court entered an order to show cause directing appellant to demonstrate this court's jurisdiction. See *Taylor Constr. Co. v. Hilton Hotels*, 100 Nev. 207, 678 P.2d 1152 (1984) (this court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule).

Appellant has responded to our order, and concedes that no appeal lies from an order denying a motion to clarify the terms of probation. Appellant submits, however, this court may treat the order as an order denying a motion to modify the conditions of probation pursuant to NRS 176A.450, which he argues is akin to the denial of a motion to modify appellant's sentence. We disagree. "[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). Appellant objects that the district court denied his request to use medical marijuana while on probation to treat severe pain from a permanently

fractured leg, sickle cell, high blood pressure, diabetes, and high cholesterol. These factors do not fall within the purview of a motion to modify a sentence. Accordingly, we conclude that we lack jurisdiction, and we

ORDER this appeal DISMISSED.

 Pickering , J.
Pickering

 Gibbons , J.
Gibbons

 Hardesty , J.
Hardesty

cc: Hon. Mark B. Bailus, District Judge
Special Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk