

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LIVLEEN KHURANA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77388-COA

LIVLEEN KHURANA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77389-COA ✓

FILED

JAN 14 2020

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

ORDER OF AFFIRMANCE

Livleen Khurana appeals from orders of the district court denying motions for rehearing of sentencing in district court case numbers C-17-323278-1 (Docket No. 77388) and C-17-323409-1 (Docket No. 77389). Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Khurana argues the district court erred by denying his motions for rehearing of sentencing.¹ First, Khurana argues the district court erred by concluding Eighth Judicial District Court Rule (EDCR) 2.24 did not

¹In district court case number C-17-323278-1, Khurana filed his motion for rehearing of sentencing on September 4, 2018. In district court case number C-17-323409-1, Khurana filed his motion for rehearing of sentencing on September 6, 2018.

permit reconsideration of his sentence. In the motions, Khurana requested the district court to reconsider its sentencing decision pursuant to EDCR 2.24.

The district court concluded EDCR 2.24 did not permit a new sentencing hearing, construed the motions as motions to modify sentence, and denied the motions. EDCR 2.24 refers to rehearing of civil motions and does not encompass reconsideration of a criminal sentence. Therefore, the district court properly found EDCR 2.24 did not permit reconsideration of Khurana's sentences.

Second, Khurana argues the district court erred by concluding he was not entitled to modification of his sentences. In his motions, Khurana claimed the probation success probability score improperly deducted points for a related offense and the presentence investigation report failed to accurately address his mental health. Khurana also contended his counsel provided inaccurate advice concerning his potential sentence and failed to provide the sentencing court with sufficient information concerning mitigation evidence.

"[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 found Khurana was not entitled to relief because he did not demonstrate there were mistaken assumptions about his criminal record that worked to his extreme detriment. The record before this court supports the district court's

findings. Therefore, we conclude the district court did not err by denying Khurana's motions. Accordingly, we

ORDER the judgments of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Tierra Danielle Jones, District Judge
Mueller & Associates
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk