

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARIO JESUS ANTONACCIO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79885-COA

MARIO JESUS ANTONACCIO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79886-COA

FILED

SEP 11 2020

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

ORDER OF AFFIRMANCE

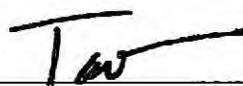
Mario Jesus Antonaccio appeals from an order of the district court denying a motion to modify or correct an illegal sentence filed in district court case number 04C199740 (Docket No. 79885-COA) and district court case number 04C204825 (Docket No. 79886-COA). The cases were consolidated on appeal. See NRAP 3(b). Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.

In his motion filed on June 24, 2019, Antonaccio claimed that the deadly weapon enhancement violated the Double Jeopardy Clause, constituted cruel and unusual punishment, and violated his due process rights. Antonaccio also claimed he should be entitled to retroactive application of changes to the deadly weapon enhancement statute. Antonaccio's claims fell outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. See *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, without considering the

merits of any of the claims raised in the motion, we conclude the district court did not err by denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Carolyn Ellsworth, District Judge
Mario Jesus Antonaccio
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk