

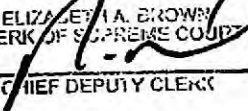
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSHUA MANUEL CHAVIRA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80944-COA

FILED

NOV 09 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Joshua Manuel Chavira appeals from a district court order denying a motion for modification of sentence filed on February 21, 2020.¹ Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

In his motion, Chavira claimed he should be resentenced because all of his offenses were probationable, the sentencing judge forced a violation of the attorney-client privilege, and the sentencing court did not take into consideration information Chavira provided to it. Chavira's claims fell outside the narrow scope of claims permissible in a motion to modify 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.²

¹Chavira's pro se motion for modification of sentence was received by the Eighth Judicial Court Clerk on January 13, 2020, but it was returned because he was represented by counsel. Once counsel was dismissed, Chavira refiled the pleading as a "motion to resubmit."

²Chavira's motion refers to actions by Judge Ellsworth. Judge Ellsworth did not preside over any proceedings in the underlying case. She

In his informal brief on appeal, Chavira claims that a Notice of Deficiency entered by the Eighth Judicial District Court Clerk on April 2, 2020, is evidence that no sentencing order was filed in his case, rendering his sentence illegal. Chavira is mistaken. The notice simply notified Chavira that the clerk had not yet transmitted the order denying Chavira's motion for modification of sentence and attendant notice of entry. The record on appeal demonstrates a judgment of conviction was filed on May 10, 2019, and an amended judgment of conviction was filed on May 23, 2019.

Having concluded Chavira is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jerry A. Wiese, District Judge
Joshua Manuel Chavira
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

presided over proceedings in district court case no. C-16-315723-1, which is not the subject of the instant appeal.