

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN H. ROSKY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81969-COA

FILED

MAY 25 2021

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

ORDER OF AFFIRMANCE

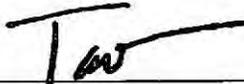
John H. Rosky appeals from an order of the district court denying a motion for modification of sentence filed on July 13, 2020. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.

Rosky argues the district court erred by denying his motion to modify sentence because the district court did not specifically address each claim in his motion. In his motion, Rosky argued he was denied due process because the language contained in the grand jury indictment and jury instructions did not directly match the language contained on the verdict form. Because Rosky did not allege that a mistaken assumption about his criminal record worked to his extreme detriment, his claims were outside the narrow scope of a motion for modification of sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, without

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

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Second Judicial District Court
Second Judicial District Court, Dept. 10
John H. Rosky
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk