

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TIMOTHY SHANE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81426-COA

FILED

JUL 12 2021

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

ORDER OF AFFIRMANCE

Timothy Shane appeals from an order of the district court denying a motion for modification of sentence filed on March 20, 2020. Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.

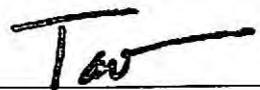
In his motion, Shane claimed his presentence investigation report contained inaccurate information regarding his substance abuse history and whether he was under the influence of substances at the time of the instant offense. He claimed the error prevented him from seeking a sentence that would provide an opportunity for rehabilitation.

“[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) (emphasis added). Shane’s claim did not touch on his criminal record and was thus outside the scope of a motion for modification of sentence. Accordingly, without considering the merits of

Shane's claim, we conclude the district court did not err by denying his motion,¹ and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Dept. 5
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹The district court improperly addressed Shane's claims on the merits. *See id.* at 708 n.2, 918 P.2d at 325 n.2. We nevertheless affirm the district court's decision for the reasons stated above. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding a correct result will not be reversed simply because it is based on the wrong reason).