

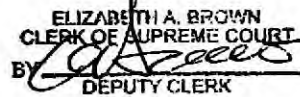
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARDELL MAURICE JOHNSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82562-COA

FILED

AUG 30 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Mardell Maurice Johnson appeals from an order of the district court denying a motion to modify sentence filed on August 10, 2020. First Judicial District Court, Carson City; James E. Wilson, Judge.

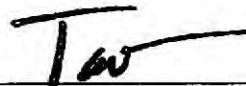
Johnson claimed that he was prejudiced by a misapprehension about his criminal history. “[A] motion to modify a sentence is limited in scope to sentences based on mistaken assumptions about a defendant’s criminal record which work to the defendant’s extreme detriment.” *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Johnson did not specify any mistaken assumptions the sentencing court allegedly made about Johnson’s criminal record. Therefore, we conclude the district court did not err by denying this claim.

Johnson also claimed that counsel was ineffective for failing to investigate and prepare a defense and that his prosecution and sentence were the result of racial bias. These claims were outside the scope of a motion to modify sentence. *See id.* Therefore, we conclude the district court did not err by denying this claim.

For the foregoing reasons, we conclude the district court did not err by denying Johnson's motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. James E. Wilson, District Judge
Mardell Maurice Johnson
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk