

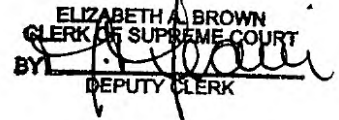
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DONALD PAUL JACKSON, SR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85240-COA

FILED

MAR 30 2023

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

ORDER OF AFFIRMANCE

Donald Paul Jackson, Sr., appeals from an order of the district court dismissing a motion to modify and/or correct an illegal sentence filed on May 3, 2022. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.


In his motion, Jackson claimed the district court ordered his sentence to run consecutively to a sentence imposed in a separate criminal case and that this constituted error because the judgment in the separate case had not yet been imposed. Jackson also claimed he was entitled to good-time, work, and meritorious credits.

“[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). A motion to correct an illegal sentence may only challenge the facial legality of the sentence: either the district court was without jurisdiction to impose a sentence or the sentence was imposed in excess of the statutory maximum. *Id.* The district court may summarily deny a motion to modify or correct an illegal sentence if the

motion raises issues that fall outside of the very narrow scope of issues permissible in such motions. *Id.* at 708 n.2, 918 P.2d at 325 n.2.

Without considering the merits of Jackson's claims, we conclude they fall outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. Therefore, we conclude the district court did not err by dismissing Jackson's motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Kathleen M. Drakulich, District Judge
Donald Paul Jackson, Sr.
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk