

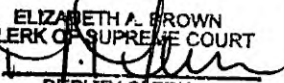
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARCUS CAIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85626-COA

FILED

MAY 17 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Marcus Cain appeals from an order of the district court denying a motion for sentence modification filed on September 16, 2022. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

In his motion, Cain sought modification of his sentence because he has never been a Nevada resident and his continued incarceration is a severe hardship on his ill sister who needs his care. These claims were outside the scope of claims permissible in a motion to modify sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, without considering the merits of these claims, we conclude the district court did not err by denying Cain's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Michelle Leavitt, District Judge
Marcus Cain
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹To the extent Cain raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given our disposition of this appeal.