


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID MORENO, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 85703-COA

FILED

MAY 30 2023

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

*ORDER OF AFFIRMANCE*

David Moreno, Jr., appeals from an order of the district court denying a motion for modification of sentence filed on July 30, 2022. Eighth Judicial District Court, Clark County; Jasmin D. Lilly-Spells, Judge.

In his motion, Moreno appeared to claim the district court did not believe, or it misapprehended, the results of a psychosexual evaluation in determining his sentence and that it abused its discretion by allowing multiple impact statements to be read at sentencing in violation of NRS 176.015. Moreno's claims fell outside the narrow scope of claims permissible in a motion to modify sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996) (stating "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"). Therefore, without considering the merits of any of the claims raised in the motion, we conclude the district court did not err by denying the motion.

On appeal, Moreno argues the district court erroneously determined that it lacked jurisdiction to modify his sentence. Because Moreno's claims fell outside the narrow scope of claims permissible in a motion to modify sentence, the district court did not err in determining that

it lacked jurisdiction to modify Moreno's sentence. *See Passanisi v. State*, 108 Nev. 318, 322, 831 P.2d 1371, 1373 (1992) ("Generally, a district court lacks jurisdiction to suspend or modify a sentence after the defendant has begun to serve it."), *overruled on other grounds by Harris v. State*, 130 Nev. 435, 446-47, 329 P.3d 619, 627 (2014). Therefore, we conclude that Moreno is not entitled to relief on this claim, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Jasmin D. Lilly-Spells, District Judge  
David Moreno, Jr.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk