

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ERIC RYAN SCOTT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85806-COA

FILED

JUL 26 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Eric Ryan Scott appeals from an order of the district court denying a motion to modify and/or correct illegal sentence filed on June 24, 2022. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

In his motion, Scott claimed that he should have been sentenced for a misdemeanor first offense domestic battery instead of a felony because the two prior convictions used by the State were committed by his brother. “[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.*

Scott conceded at his sentencing hearing that he “had two previous domestics.” Scott thus failed to demonstrate that his sentence was based on mistaken assumptions about his criminal record that worked to his extreme detriment. *See Krauss v. State*, 116 Nev. 307, 309-311, 998 P.2d 163, 164-65 (2000) (concluding that defendant’s statements on the record

constituted a waiver and obviated the need for the State to offer proof of his prior convictions). And because his claim challenged the validity of his judgment of conviction, it was outside the scope of claims permissible in a motion to correct an illegal sentence. *See Edwards*, 112 Nev. at 708, 918 P.2d at 324. Therefore, we conclude the district court did not err by denying Scott's motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Ronald J. Israel, District Judge
Eric Ryan Scott
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk