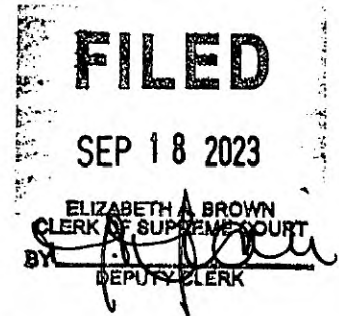


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAMON SAMERI CHANEY, A/K/A
DAMON SAMARI CHANEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85922-COA



ORDER OF AFFIRMANCE

Damon Sameri Chaney appeals from an order of the district court denying a motion to modify and/or correct an illegal sentence filed on July 20, 2022. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

In his motion to modify and/or correct an illegal sentence, Chaney claimed his presentence investigation report was incomplete, he was improperly detained while released on his own recognizance, and he should receive additional credit for time served.

"[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 Chaney'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 denying Chaney's motion, and we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

¹The district court denied the motion on the ground that Chaney's then-pending appeals of its orders denying a postconviction petition for a writ of habeas corpus and a prior motion to modify and/or correct an illegal sentence divested the district court of jurisdiction. *See Chaney v. State*, No. 85029-COA, 2023 WL 1437941 (Nev. Ct. App. Jan. 31, 2023). In this respect, the district court erred. Chaney's appeals from these prior orders did not divest the district court of jurisdiction to consider a new motion to modify and/or correct an illegal sentence. *See* NRS 176.555 ("The court may correct an illegal sentence at any time."); *Edwards*, 112 Nev. at 708, 918 P.2d at 324 (describing a district court's inherent power to modify or correct an illegal sentence); *see also Foster v. Dingwall*, 126 Nev. 49, 52-53, 228 P.3d 453, 454-55 (2010) (recognizing that a timely notice of appeal does not divest the district court of jurisdiction over matters independent from the appealed order). We nevertheless affirm the district court's denial of Chaney's motion for the reasons stated herein. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding a correct result will not be reversed simply because it is based on the wrong reason).

cc: Hon. Eric Johnson, District Judge
Damon Sameri Chaney
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk