

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JUAN DWAYNE HIGH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 86175-COA

**FILED**

OCT 31 2023

ELIZABETH A. BROWN  
CLERK OF THE COURT  
BY: *[Signature]*  
DEPUTY CLERK

JUAN DWAYNE HIGH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 86177-COA

JUAN DWAYNE HIGH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

*ORDER AFFIRMING IN PART AND DISMISSING IN PART*

Juan Dwayne High appeals from orders of the district court denying identical motions for “sentence modification pursuant to NRS 176.555” filed on January 3, 2023, and identical motions “for reconsideration of sentence modification and recusal of Judge Eller” filed on February 7, 2023, in district court case nos. 83C62503 (Docket No. 86175), 83C62508 (Docket No. 86176), and 83C62509 (Docket No. 86177). These

cases were consolidated on appeal. *See* NRAP 3(b). Eighth Judicial District Court, Clark County; Crystal Eller, Judge.

In his motions for sentence modification, High claimed that his life sentence in Docket No. 86176 should be modified from life in prison with the possibility of parole to a definite term so that he could be released from parole. “[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.*

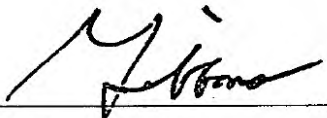
Without considering the merits of High’s claim, we conclude it falls outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. Therefore, we conclude the district court did not err by denying High’s motion in Docket No. 86176.

Further, because High’s motions for sentence modification filed in Docket Nos. 86175 and 86177 did not challenge the proceedings in those cases, High fails to demonstrate on appeal that he is an aggrieved party. *See* NRS 177.015 (providing that only an aggrieved party in a criminal action may appeal to this court). Thus, we dismiss the appeals filed in Docket Nos. 86175 and 86177 insofar as they pertain to the motions for sentence modification.

Finally, no statute or court rule permits an appeal from an order denying a motion for reconsideration of sentence modification and/or recusal of a judge. Thus, we lack jurisdiction and dismiss the appeals

insofar as they are from the orders denying these motions. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, we

ORDER the judgment of the district court AFFIRMED IN PART and the appeals DISMISSED IN PART.

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

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

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

cc: Hon. Crystal Eller, District Judge  
Juan Dwayne High  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk