

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FABIOLA JIMENEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89923-COA

FILED

JUL 30 2025

ELIZABETH A. BROV...
CLERK OF SUPREME

BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Fabiola Jimenez appeals from a district court order denying a motion to modify or correct an illegal sentence filed on October 24, 2024, and a motion for appointment of counsel.¹ Eighth Judicial District Court, Clark County; Nadia Krall, Judge.

In her motion to modify or correct an illegal sentence, Jimenez appeared to claim, among other things, that (1) her sentence constitutes cruel and unusual punishment, (2) the district court abused its discretion by imposing a sentence different than that reflected in the plea agreement, (3) counsel was ineffective for failing to explain the plea agreement and for failing to file a direct appeal, (4) the State committed fraud, (5) counsel had a conflict of interest, (6) the evidence against her was false or conflicting, (7) the State failed to prove she committed kidnapping, (8) she was impaired at the time she entered her guilty plea, (9) the court made a material

¹The former motion was titled a “motion to amend judgment of conviction.” The district court construed Jimenez’s motion as a motion to modify or correct an illegal sentence, and Jimenez does not challenge this determination on appeal. Moreover, we note that Jimenez’s motion did not substantially follow the form required of a postconviction petition for a writ of habeas corpus. See NRS 34.735.

mistake of fact about her criminal record that worked to her extreme detriment, and (10) the court “exceeded the statutory maximum during sentencing.”

“[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.

Jimenez was convicted of first-degree kidnaping resulting in substantial bodily harm, and her sentence of life in prison without the possibility of parole was within the parameters of the relevant statute. See NRS 200.320(1). Jimenez failed to identify any mistaken assumptions about her criminal record the sentencing court relied upon that worked to her extreme detriment. And Jimenez’s remaining claims fell outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence.² Therefore, we conclude the district court did not err by denying Jimenez’s motion to modify or correct an illegal sentence and did not abuse

²To the extent Jimenez challenged the validity of her guilty plea, such challenges must be raised in a postconviction petition for a writ of habeas corpus. NRS 34.724(2)(b). We express no opinion as to whether Jimenez could meet the procedural requirements of NRS Chapter 34.

its discretion in denying her motion for appointment of counsel. Accordingly,³ we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Nadia Krall, District Judge
Fabiola Jimenez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³In her informal brief on appeal, Jimenez challenges the denial of a “motion to alter or amend judgment” and a “motion to finding a contempt.” Jimenez did not designate an order denying these motions in her notice of appeal, and the record does not indicate that a decision had been made on these motions when Jimenez filed the instant notice of appeal on January 7, 2025. Therefore, we lack jurisdiction to consider any claims regarding these motions. Insofar as Jimenez raises other arguments not specifically addressed in this order, we have considered the same and conclude that they either need not be reached or do not present a basis for relief.