IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH CLEGHORN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45883

FILED

NOV 22 2005

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's motion to correct an illegal sentence. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

On August 31, 1999, the district court convicted appellant, pursuant to a guilty plea, of two counts of attempted lewdness with a child under the age of fourteen. The district court sentenced appellant to serve two consecutive sentences of twenty-four to ninety-six months in the Nevada State Prison. The district court also imposed a special sentence of lifetime supervision. Appellant did not file a direct appeal.

On July 18, 2005, appellant filed a proper person motion to correct an illegal sentence in the district court. The State opposed the motion. On August 9, 2005, the district court denied appellant's motion. This appeal followed.

In his motion, appellant contended that his sentence of lifetime supervision was illegal for four reasons: first, because he was not advised before pleading guilty of the terms and conditions lifetime supervision entailed; second, because lifetime supervision was not

mentioned in the information that charged him; third, because the district court found him guilty of a "sexual offense" without a jury finding on that point; and fourth, because the sentence of lifetime supervision constituted double jeopardy.

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.[1] "A motion to correct an illegal sentence 'presupposes a valid conviction and may not, therefore, be used to challenge alleged errors in proceedings that occur prior to the imposition of sentence.'"[2]

Based upon our review of the record on appeal, we conclude that the district court did not err in denying appellant's motion. Appellant's claims fell outside the very narrow scope of claims permissible in a motion to correct an illegal sentence. Appellant's sentence was facially legal,[3] and there is no indication the district court lacked jurisdiction in the instant case.

As a separate and independent ground for denying appellant's first claim, the claim was without merit. Appellant signed a written guilty

---

[1]Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

[2]Id. (quoting Allen v. United States, 495 A.2d 1145, 1149 (D.C. 1985)).

[3]1997 Nev. Stat. ch. 641, § 19, at 3190 (NRS 201.230); NRS 193.330; 1997 Nev. Stat. ch. 451, § 85, at 1671 (NRS 176.0931).

plea agreement that informed him the district court would impose the special sentence of lifetime supervision. A defendant need not be informed of the specific conditions of lifetime supervision at entry of the plea because these conditions are not determined until after a hearing just prior to expiration of a sex offender's term of imprisonment, parole, or probation.[4]

As a separate and independent ground for denying appellant's fourth claim, the claim was without merit. The double jeopardy clause of the United States Constitution does not preclude a state legislature from imposing cumulative punishments for a single offense.[5] When a legislature does impose cumulative punishments for a single offense, double jeopardy does no more than prevent the sentencing court from imposing a punishment greater than the legislature intended.[6] By virtue of the fact that NRS 176.0931 was enacted by the legislature, it is clear that the legislature intended that a defendant convicted of a sexual offense be punished by the appropriate prison sentence and by lifetime supervision. Appellant's sentence of lifetime supervision was not a punishment greater than the state legislature intended.

---

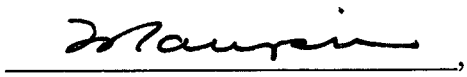
[4]See NRS 213.1243(1); NAC 213.290; see also Palmer v. State, 118 Nev. 823, 831, 59 P.3d 1192, 1197 (2002).

[5]Nevada Dep't. Prisons v. Bowen, 103 Nev. 477, 480, 745 P.2d 697, 699 (1987).

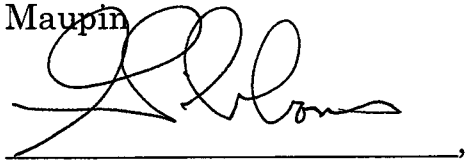
[6]Id.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.[7] Accordingly, we

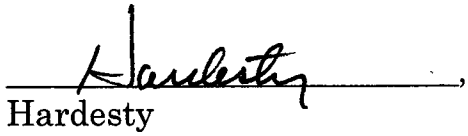
ORDER the judgment of the district court AFFIRMED.



_____, J.
Maupin



_____, J.
Gibbons



_____, J.
Hardesty

cc: Hon. Lee A. Gates, District Judge
Keith Cleghorn
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

---

[7]See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).