


IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTOR XAVIER WRIGHT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47419

FILED

OCT 26 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to correct an illegal sentence. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

On July 31, 1989, the district court convicted appellant, pursuant to a jury verdict, of one count of attempted sexual assault, two counts of battery with the intent to commit sexual assault, one count of first degree kidnapping, one count of sexual assault, four counts of first degree kidnapping with the use of a deadly weapon, seven counts of sexual assault with the use of a deadly weapon, three counts of attempted sexual assault with the use of a deadly weapon, one count of battery with a deadly weapon with the intent to commit sexual assault, two counts of assault with a deadly weapon, and one count of attempted first degree kidnapping with a deadly weapon. The district court sentenced appellant to serve multiple life and fixed terms in the Nevada State Prison. On

direct appeal, this court affirmed eighteen of the counts in the judgment of conviction, but vacated five counts.¹ The district court entered an amended judgment of conviction on December 11, 1990. Appellant unsuccessfully sought post-conviction relief.²

On March 17, 2006, appellant filed a proper person motion to correct an illegal sentence in the district court. The State opposed the motion. Appellant filed a response. On April 28, 2006, the district court denied appellant's motion. This appeal followed.

In his motion, appellant contended that the deadly weapon enhancements should not have been applied because the record does not establish that a blunt, bent, dull kitchen knife qualifies as a deadly weapon. He further claimed that the judgment of conviction erroneously failed to set forth the minimum parole eligibility dates for the life sentences.

A motion to correct an illegal sentence may only challenge the facial legality of the sentence: either the district court was without

¹Wright v. State, 106 Nev. 647, 799 P.2d 548 (1990).

²Wright v. State, Docket No. 24371 (Order Dismissing Appeal, July 8, 1994).

jurisdiction to impose a sentence or the sentence was imposed in excess of the statutory maximum.³ "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.'"⁴

Our review of the record on appeal reveals that the district court did not err in denying the motion. Appellant's claims fell outside the very narrow scope of claims permissible in a motion to correct an illegal sentence. Appellant failed to demonstrate that his sentences were not facially legal or that the district court lacked jurisdiction. Appellant may not challenge the jury's verdicts in a motion to correct an illegal sentence. Appellant further failed to demonstrate that correction of the judgment of conviction to include minimum parole eligibility dates was required because appellant failed to demonstrate that reference to a particular provision of the relevant statutes was necessary to determine the parole


³Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

⁴Id. (quoting Allen v. United States, 495 A.2d 1145, 1149 (D.C. 1985)).


eligibility dates in the instant case.⁵ Therefore, we affirm the order of the district court.

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.⁶ Accordingly, we

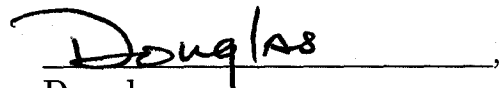
ORDER the judgment of the district court AFFIRMED.⁷



Gibbons J.



Maupin J.



Douglas J.

⁵See NRS 176.105(1)(c).

⁶See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁷We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Honorable Jackie Glass, District Judge
Victor Xavier Wright
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk