

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN KEITH PAAJANEN, AKA  
STEVEN K. PAAJANEN,  
Appellants,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 47897

**FILED**

**JAN 05 2007**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. R. [Signature]*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

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

On July 1, 2005, the district court convicted appellant, pursuant to a guilty plea, of one count of violation of lifetime supervision by a convicted sex offender and one count of sex offender failure to change an address. The district court adjudicated appellant a habitual criminal and sentenced appellant to serve concurrent terms of five to twenty years in the Nevada State Prison. No direct appeal was taken.

On July 20, 2006, appellant filed a proper person motion to vacate an illegal sentence in the district court. The State opposed the motion. On August 14, 2006, the district court denied appellant's motion. This appeal followed.

In his motion, appellant contended that his sentence was illegal because NRS 207.010 does not permit habitual criminal adjudication for nonviolent or property offenses. Appellant further claimed that he could not be adjudicated a habitual criminal for both primary offenses in the instant case. Finally, appellant claimed that he should not have been convicted of violating lifetime supervision because he

was not aware that lifetime supervision would be imposed in the prior conviction when he entered his guilty plea in the prior case.

A motion to correct or vacate 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.<sup>1</sup> "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.'"<sup>2</sup>

Our review of the record on appeal reveals that the district court did not err in denying appellant's motion. Appellant's sentences were facially legal, and there is no indication that the district court was not a competent court of jurisdiction in the instant case.<sup>3</sup> NRS 207.010 does not make any allowance for nonviolent or property offenses. Further, appellant may be adjudicated a habitual criminal for each primary offense.<sup>4</sup> Finally, appellant may not challenge the validity of his guilty plea, or the validity of a judgment of conviction in a prior case, in a motion to correct an illegal sentence.

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<sup>1</sup>Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

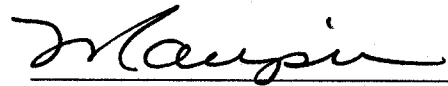
<sup>2</sup>Id. (quoting Allen v. United States, 495 A.2d 1145, 1149 (D.C. 1985)).

<sup>3</sup>See NRS 207.010(1)(a) (providing for a term of five to twenty years for small habitual criminal adjudication).

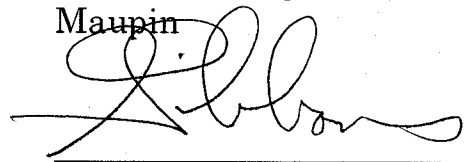
<sup>4</sup>See NRS 207.010; Hollander v. State, 82 Nev. 345, 353, 418 P.2d 802, 806-07 (1966).

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.<sup>5</sup> Accordingly, we

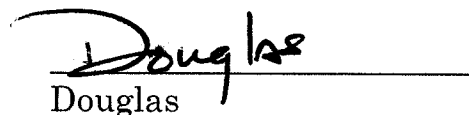
ORDER the judgment of the district court AFFIRMED.<sup>6</sup>

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

Maupin

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

Gibbons

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

Douglas

cc: Eighth Judicial District Court, Department Seventeen  
Steven Keith Paajanen  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>5</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

<sup>6</sup>We 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.