

IN THE SUPREME COURT OF THE STATE OF NEVADA


DARREN A. LUNFORD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 48612

FILED

APR 06 2007

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

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; Michelle Leavitt, Judge.

On March 23, 2005, the district court convicted appellant, pursuant to a guilty plea, of two counts of robbery with the use of a deadly weapon. The district court sentenced appellant to serve four consecutive terms of forty-eight to one hundred and twenty months in the Nevada State Prison. No direct appeal was taken.

On December 30, 2005, appellant filed a proper person motion to correct an illegal sentence in the district court. On that same date, appellant also file a post-conviction petition for a writ of habeas corpus in the district court. On February 9, 2006, the district court denied the motion, and on June 21, 2006, the district court denied the petition. No appeals were taken.

On November 6, 2006, appellant filed a proper person motion to correct an illegal sentence in the district court. The State opposed the motion. On January 8, 2007, the district court denied appellant's motion. This appeal followed.

In his motion, appellant contended that the deadly weapon enhancements were illegal because they constituted multiple punishments for the same offense and thereby violated double jeopardy. Appellant further claimed that the charging information was flawed because the deadly weapon enhancements were included with the primary offenses and not set apart as separate counts.

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.<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 the motion. Appellant's claims fell outside the very narrow scope of claims permissible in a motion to correct an illegal sentence. Appellant's sentences were facially legal, and appellant failed to demonstrate that the district court was not a competent court of jurisdiction.<sup>3</sup> Therefore, we affirm the order of the district court.

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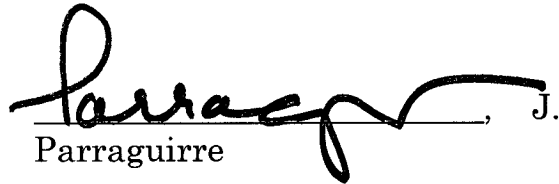
<sup>1</sup>Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

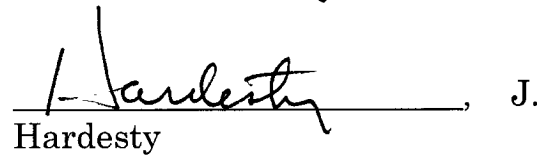
<sup>2</sup>Id. (quoting Allen v. United States, 495 A.2d 1145, 1149 (D.C. 1985)).

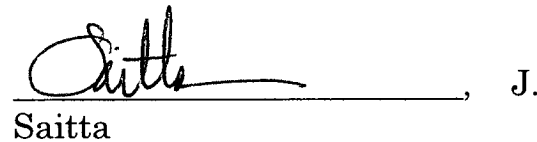
<sup>3</sup>See NRS 200.380; NRS 193.165.

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>4</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.  
Parraguirre

 J.  
Hardesty

 J.  
Saitta

cc: Hon. Michelle Leavitt, District Judge  
Darren A. Lunford  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

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<sup>4</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).