

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN EDWARD VELASQUEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51461

FILED

APR 15 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
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. Third Judicial District Court, Churchill County; Robert E. Estes, Judge.

On December 6, 2001, the district court convicted appellant, pursuant to a guilty plea, of one count of attempted sexual assault on a child under the age of 14 and one count of attempted lewdness with a child under the age of 14. The district court sentenced appellant to serve two consecutive terms of 8 to 20 years in the Nevada State Prison. Appellant did not file a direct appeal.

On February 11, 2008, appellant filed a proper person motion to correct an illegal sentence in the district court. The State opposed the motion. On April 7 2008, the district court denied appellant's motion. This appeal followed.

In his motion, appellant contended that his conviction was unconstitutional because the two incidents for which he was convicted arose out of the same continuing event, that his sentences are illegal

because they were ordered to run consecutively, and that the imposition of lifetime supervision constitutes an unconstitutional or illegal sentence.

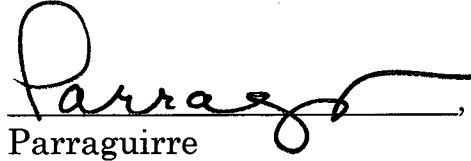
A motion to correct an illegal sentence may only challenge the facial legality of the sentence: either the district court was without jurisdiction to impose a sentence or the sentence was imposed in excess of the statutory maximum. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). “A motion 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.’” Id. (quoting Allen v. United States, 495 A.2d 1145, 1149 (D.C. 1985)).

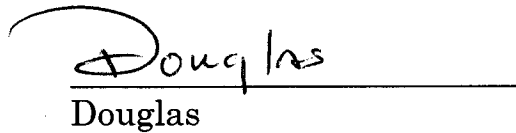
Based upon our review of the record, we conclude that appellant’s requests fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence. Appellant’s sentences were facially legal, and the record does not support an argument that the district court was without jurisdiction in this matter. See 1999 Nev. Stat., ch. 105, § 23, at 431-32, 1999 Nev. Stat., ch. 105, § 49, at 470-72, and NRS 193.330(1)(a)(1). Appellant entered a guilty plea to both counts, and appellant may not challenge the validity of the guilty plea in a motion to correct an illegal sentence. Further, the district was required to impose the sentence of lifetime supervision. See 2001 Nev. Stat., ch. 560, § 11, at 2789-90. Therefore, the district court did not err in denying this motion.

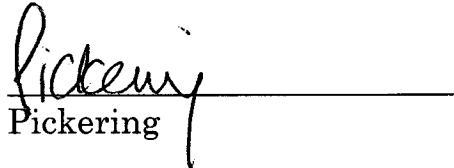
Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that

briefing and oral argument are unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975). Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Third Judicial District Court Dept. 3, District Judge
Bryan Edward Velasquez
Attorney General Catherine Cortez Masto/Carson City
Churchill County District Attorney
Churchill County Clerk

¹We 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.