

IN THE SUPREME COURT OF THE STATE OF NEVADA

TOMMIE WILSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 52532

**FILED**

**MAR 11 2010**

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 appellant's motion to correct an illegal sentence.<sup>1</sup> Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge.

In his motion, filed in the district court on September 8, 2008, appellant claimed that application of NRS 193.165, the deadly weapon enhancement, violated his double jeopardy and due process rights by allowing for the imposition of two punishments for a single offense and should be voided for vagueness. Appellant's challenges to NRS 193.165 fall outside the narrow scope of claims permissible in a motion to correction illegal sentence. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996) (explaining that a motion to correct illegal sentence may only challenge the district court's jurisdiction to impose a sentence or the facial legality of the sentence). Appellant's sentence is facially legal and

<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

there is no indication that the district court was without jurisdiction in this matter. 1995 Nev. Stat., ch. 455, § 1, at 1431 (codified as NRS 193.165); NRS 200.380; NRS 205.060.

Having considered appellant's contentions and concluding that they are without merit, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Chief Judge, Eighth Judicial District  
Hon. Joseph T. Bonaventure, Senior Judge  
Tommie Depedro Wilson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</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.