

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALBERT O'NEAL SCOTT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53194

**FILED**

AUG 21 2009

TRACI K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

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

On April 9, 1975, the district court convicted appellant, pursuant to a jury verdict, of one count of first-degree murder and one count of attempted murder. The district court sentenced appellant to serve a term of life with the possibility of parole in the Nevada State Prison for murder and a term of 20 years in the Nevada State Prison for attempted murder to be served consecutively to the life term. This court affirmed appellant's judgment of conviction and sentence. Scott v. State, 92 Nev. 552, 554 P.2d 735 (1976).

On December 19, 2008, appellant filed a proper person motion to correct an illegal sentence in the district court. On March 2, 2009, the district court denied appellant's motion. This appeal followed.

In his motion, appellant claimed that his sentence was illegal because his life sentence had not been reduced by the amount of statutory good time and work credits he has earned in prison.

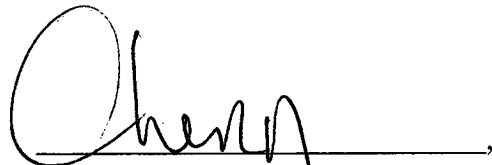
A motion to correct an illegal sentence may only challenge the facial legality of the sentence: either the district court was without jurisdiction to impose a sentence or the sentence was imposed in excess of the statutory maximum. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). “A motion 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 on appeal, we conclude that the district court did not err in denying appellant’s motion. The claim that appellant raised fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence. Appellant’s sentence was facially legal. See 1975 Nev. Stat., ch. 740, § 1, at 1580-81; 1983 Nev. Stat., ch. 218, § 6, at 512. Further, there is nothing in the record indicating that the district court was without jurisdiction to impose a sentence in this case. Moreover, as a separate and independent ground for denying relief, appellant’s claim is without merit. This court has previously determined that while statutory good time credits should be recorded for life terms, those credits are not applied to life terms. See Hunt v. Warden, 111 Nev. 1284, 903 P.2d 826 (1995). 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. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Donald M. Mosley, District Judge  
Albert O'Neal Scott  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk