

IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON E. CAMPAU,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53586

**FILED**

**OCT 21 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. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

On April 24, 2008, the district court convicted appellant, pursuant to a guilty plea, of one count of lewdness with a child under the age of 14 years and one count of sexual assault on a minor under the age of 14 years. The district court sentenced appellant to serve a term of life in the Nevada State Prison with the possibility of parole for the lewdness count and a term of 48 to 180 months for the attempted sexual assault count. No direct appeal was taken.

On February 9, 2009, appellant filed a proper person motion to correct an illegal sentence in the district court. On March 16, 2009, the district court denied appellant's motion. This appeal followed.

In his motion, appellant claimed that his sentence was illegal because he "entered a guilty plea to an offense he was never charged with."


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)).


Our review of the record on appeal reveals that the district court did not err in denying the motion. Appellant’s sentences were facially legal, and appellant failed to demonstrate that the district court was not a competent court of jurisdiction. 2003 Nev. Stat., ch. 461, § 2, at 2826 (NRS 201.230); 2003 Nev. Stat., ch. 461, § 1, at 2825-26 (NRS 200.366(3)(c)); NRS 193.330(1)(a). Appellant may not challenge the validity of the guilty plea in a motion to correct an illegal sentence. Therefore, we conclude that the district court did not err in denying his 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 Luckett 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. Jackie Glass, District Judge  
Jason E. Campau  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk