


IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 54253

FILED

JAN 08 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
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; Donald M. Mosley, Judge.

Our review of the record on appeal reveals that the district court did not err in denying the motion. Appellant's claim fell outside the very narrow scope of claims permissible in a motion to correct an illegal sentence. Edwards v. State, 112 Nev. 704, 918 P.2d 321 (1996) (providing that a motion to correct an illegal sentence may only challenge the facial legality of the sentence or the jurisdiction of the district court). Appellant's claim did not implicate the jurisdiction of the court, but rather challenged errors in charging and instructing the jury that occurred prior to sentencing. Such challenges are not permitted in a motion to correct an illegal sentence. Id. ("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.'" (quoting Allen v. United States, 495 A.2d 1145, 1149 (D.C. 1985))).

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.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

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