

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARLIN M. TOKARCZYK,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55427

**FILED**

SEP 10 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; Michael Villani, Judge.

In his motion, filed on January 11, 2010, appellant claimed that he was improperly sentenced for the crimes of sexual assault on a minor under 14 years of age and sexual assault. Appellant's claim was outside the scope of a motion to correct an illegal sentence as the sentence was facially legal, see 1991 Nev. Stat., ch. 250, § 1, at 612-13, and there is nothing in the record indicating that the district court was without jurisdiction. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324

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<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).

(1996). We therefore conclude that the district court did not err in denying appellant's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. Michael Villani, District Judge  
Marlin M. Tokarczyk  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk