

IN THE SUPREME COURT OF THE STATE OF NEVADA

BENJAMIN JONES, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 35336

FILED

MAY 10 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying appellant's motion to correct an illegal sentence. On October 22, 1999, appellant filed a proper person motion to correct an illegal sentence in district court case number 278081.¹ On November 10, 1999, the district court denied appellant's motion. This appeal followed.

In his motion, appellant contended that his sentence was illegal because the First Judicial District Court, on September 28, 1976, had entered an order granting a petition for a writ of habeas corpus directing the Second Judicial District Court to vacate and reimpose the judgment of conviction so that appellant could pursue a direct appeal. The Second Judicial District Court refused, stating that the First Judicial District Court had exceeded its authority. Therefore, appellant claimed that his sentence was illegal. Based upon our review of the record on appeal, we conclude that the district court did not err in denying appellant's motion. See Nev. Const. art. 6, § 6; 1971 Nev. Stat., ch. 602, § 9, at 1332-33 (former NRS 3.190); *Warden v. Owens*, 93 Nev. 255, 563 P.2d 81 (1977).

¹District court case number 278081 arose from a conviction in the Second Judicial District Court.

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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), cert. denied, 423 U.S. 1077 (1976). Accordingly, we

ORDER this appeal dismissed.

<u>Young</u> Young	J.
<u>Agosti</u> Agosti	J.
<u>Leavitt</u> Leavitt	J.

cc: Hon. Brent T. Adams, District Judge
Attorney General
Washoe County District Attorney
Benjamin Jones, Jr.
Washoe County Clerk