

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE ANTONIO SANCHEZ-BELTRAN
A/K/A JOSE BELTRAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59334

FILED

MAY 09 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY H. Ingrou
DEPUTY CLERK

ORDER OF AFFIRMANCE

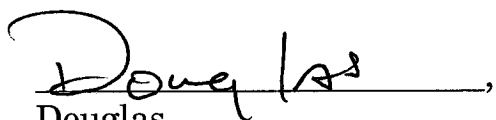
This is a proper person appeal from an order of the district court denying a motion to correct illegal sentence.¹ Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

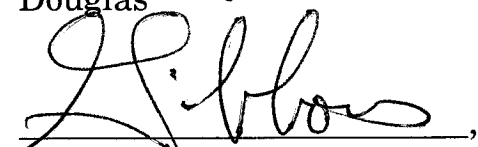
In his motion, filed on August 8, 2011, appellant claimed that his sentence for count three was illegal because he was only convicted of a category-D felony but was sentenced for a category-B felony. Appellant failed to demonstrate that his sentence was facially illegal or that the district court lacked jurisdiction. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Appellant's guilty plea agreement and judgment of conviction reflect that appellant pleaded guilty to a category-B felony and was given a sentence within the statutory limits. NRS 202.360(1). To the extent appellant is challenging the validity of his guilty plea, such challenges to the judgment of conviction must be raised in a post-

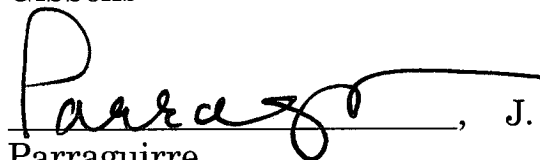
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

conviction petition for a writ of habeas corpus filed in the district court in the first instance. NRS 34.724(2)(b); NRS 34.738(1).² We therefore conclude that the district court did not err in denying appellant's motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Jerome T. Tao, District Judge
Jose Antonio Sanchez-Beltran a/k/a Jose Beltran
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We express no opinion as to whether appellant could meet the procedural requirements of NRS chapter 34.