

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM JAMES BERRY, SR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61697

FILED

MAY 13 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angela
DEPUTY CLERK

ORDER OF AFFIRMANCE

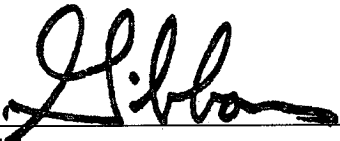
This is a proper person appeal from an order of the district court denying a motion to correct an illegal sentence.¹ Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

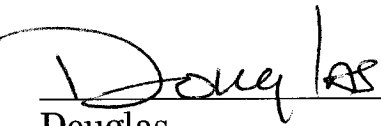
In his motion, filed on August 2, 2012, appellant claimed that the statute under which he was convicted of murder was void for vagueness, that his conviction thus violated principles of due process, and accordingly, the district court lacked jurisdiction to convict and sentence him. Appellant failed to demonstrate that his sentence was facially illegal or that the district court lacked jurisdiction. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). His claims were outside the scope of those allowed in a motion to correct an illegal sentence because the alleged issues arose prior to the imposition of his sentence. *See id.* Further, appellant's claims did not implicate the jurisdiction of the trial court. *See Nev. Const. art. 6, § 6; NRS 171.010.* We therefore conclude

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 Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

that the district court did not err in denying appellant's motion.
Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Stefany Miley, District Judge
William James Berry, Sr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk