

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN SAMUEL BRAUNSTEIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63626

FILED

FEB 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER AFFIRMING IN PART AND DISMISSING IN PART

This is a proper person appeal from an order of the district court denying a motion to correct an illegal sentence, a First Amendment petition, and a motion for reinstatement of the first and only habeas corpus petition.¹ Eighth Judicial District Court, Clark County; Michael Villani, Judge.

Motion to Correct

In his motion filed on April 25, 2013, appellant claimed that his sentence was illegal because the district court lacked jurisdiction to sentence him. Specifically, he claimed that he was convicted of two

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).

offenses and their lesser-included offenses, but that he should have only been found guilty of the lesser-included offenses pursuant to NRS 175.021. According to appellant, when the district court dismissed the lesser-included offenses, it lost jurisdiction because the dismissal acted as an acquittal of all charges. Appellant's claim fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence as his claim did not implicate the jurisdiction of the district court. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996); Nev. Const. art. 6, § 6; NRS 171.010. Therefore, without considering the merits of any of the claims raised in the motion, we conclude that the district court did not err in denying the motion.

First Amendment Petition


In his petition filed on April 17, 2013, appellant wanted an "accounting in equity" with regard to the State's proposed findings of facts and conclusions of law. Based upon our review of the record on appeal and without deciding upon the merits of any of appellant's claims, we conclude that the district court did not err in denying the petition because the claims fell outside the scope of NRS 34.185.

Motion for Reinstatement

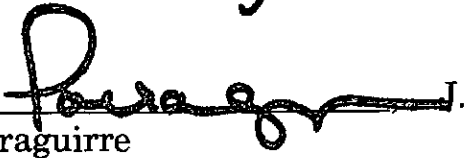
No statute or court rule permits an appeal from an order denying a motion for reinstatement, therefore, we lack jurisdiction over

this portion of the appeal. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, we

ORDER the judgment of the district court AFFIRMED IN PART AND this appeal DISMISSED IN PART.²


_____, C.J.
Gibbons


_____, J.
Pickering


_____, J.
Parraguirre

cc: Hon. Michael Villani, District Judge
Steven Samuel Braunstein
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.