

IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDERICK VONSEYDEWITZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65674

FILED

NOV 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to set aside judgment of conviction.¹ Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

In his motion filed on March 26, 2014, appellant claimed that the district court erred in sentencing him to 8 to 20 years' imprisonment on the attempted lewdness count because the statute in effect at the time of the offense provided for a sentence of 1 to 5 years' imprisonment. Based upon the nature of the relief sought, we conclude that appellant's motion is properly construed to be a motion to correct an illegal sentence. Appellant failed to demonstrate that his sentence was facially illegal and that the district court lacked jurisdiction in this case, as his claim is belied by the record. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Appellant committed the offenses between 1996 and 2006, the

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).

sentencing range for attempted lewdness since 1997 is 2 to 20 years in prison, *see* 1997 Nev. Stat., ch. 455, § 5, at 1722; 1997 Nev. Stat., ch. 314, § 2, at 1178, and appellant stipulated to the 8-to-20-year sentence in his guilty plea agreement. To the extent that he challenged the validity of his guilty plea, such a challenge is outside the narrow scope of claims permissible in a motion to correct an illegal sentence. *See Edwards*, 112 Nev. at 708, 918 P.2d at 324. Therefore, without considering the merits of that claim, we conclude that the district court did not err in denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. James M. Bixler, District Judge
Frederick Vonseydewitz
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk