

IN THE SUPREME COURT OF THE STATE OF NEVADA

DOUGLAS DALE PONTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70072

FILED

DEC 15 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a motion to correct an illegal sentence. Second Judicial District Court, Washoe County; Lidia Stiglich, Judge.

Appellant argues that the district court erred in denying his motion because his sentence is at variance with the controlling sentencing statute, namely NRS 176.035(1) and (2)(b), because the district court did not include the aggregate minimum and maximum sentence in the judgment of conviction. We disagree. The controlling sentencing statute is NRS 202.360(1) (providing that felon in possession of a firearm shall be punished by imprisonment “for a minimum term of not less than 1 year and a maximum term of not more than 6 years”), and the 12-to-30-month sentence imposed in this case falls within the range provided by that statute, so it is not facially illegal. And even assuming that the aggregation provisions in NRS 176.035 apply in the circumstances presented by this case, the failure to pronounce the aggregate sentence does not make the sentence imposed illegal. *See Mason v. State*, 132 Nev., Adv. Op. 42, 373 P.3d 116, 117 (2016) (explaining in direct appeal from judgment of conviction that failure to aggregate sentences “does not warrant a new sentencing hearing as it does not affect the sentences

imposed for each offense"). As the sentence in this case is facially legal, the district court properly denied the motion. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996) (explaining scope of motion to correct illegal sentence). We therefore

ORDER the judgment of the district court AFFIRMED.

Cherry, J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

cc: Second Judicial District, Dept. 8
Richard F. Cornell
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk