

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEVON RYNELL OGLESBY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70401

FILED

DEC 14 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Appellant Jevon Rynell Oglesby appeals from a district court order denying his motion to correct an illegal sentence.¹ Eighth Judicial District Court, Clark County; Douglas Smith, Judge.


In his motion filed on March 17, 2016, Oglesby claimed his sentence is illegal because defense counsel was ineffective, the district court did not allow him to withdraw his guilty plea, and his guilty plea is invalid.


NRS 176.555 states a district court “may correct an illegal sentence at any time.” A motion to correct an illegal sentence, however, may only challenge the facial legality of the sentence: either the district court was without jurisdiction to impose a sentence or the sentence was imposed in excess of the statutory maximum. *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).


¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

Oglesby's claims fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence because they did not implicate the jurisdiction of the district court, *see* Nev. Const. art 6, § 6; NRS 171.010, and his sentences are facially legal, *see* NRS 193.165(1); NRS 200.380(2). Accordingly, the district court did not err by denying his motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Douglas Smith, District Judge
Jevon Rynell Oglesby
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk