

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAUSTEVEION DELANO JOHNSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70111

FILED

DEC 14 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER AFFIRMING IN PART AND DISMISSING IN PART

Appellant Lausteveion Johnson appeals from an order of the district court denying a “motion to dismiss/exonerate due to lack of subject matter jurisdiction” filed on February 9, 2016, and from an order denying a “motion to modify or correct by setting aside an illegal sentence due to lack of subject matter jurisdiction” filed on July 15, 2016.¹ Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Because no statute or court rule permits an appeal from an order denying a “motion to dismiss/exonerate due to lack of subject matter jurisdiction,” we lack jurisdiction over the appeal from this motion. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, we dismiss this portion of the appeal.


In his motion filed on July 15, 2016, Johnson claimed his conviction for attempted sexual assault with the use of a deadly weapon was illegal because the sections of the Nevada Revised Statutes under which he was convicted did not contain enacting clauses and did not have titles. Johnson’s claims fell outside the narrow scope of claims permissible


¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

in a motion to modify a sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Additionally, Johnson failed to demonstrate his sentence was facially illegal or the district court lacked jurisdiction. *See id.* Johnson's claim did not implicate the jurisdiction of the district court. *See Nev. Const. art. 6, § 6; NRS 171.010.* And the Statutes of Nevada contain the laws with the enacting clauses and titles required by the constitution. The Nevada Revised Statutes merely reproduce those laws as classified, codified, and annotated by the Legislative Counsel. *See NRS 220.110; NRS 220.120.* Accordingly, we conclude the district court did not err by denying the motion, and we

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


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Michelle Leavitt, District Judge
Lausteveion Delano Johnson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk