

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TRACY NICOLE SUMMERS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71020

**FILED**

DEC 28 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Appellant Tracy Nicole Summers appeals from a district court order denying his motion to correct an illegal sentence that was filed on May 10, 2016.<sup>1</sup> Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

Summers claims the district court erred by denying his motion to correct an illegal sentence. Summers asserts his conviction and sentence are illegal because the Washoe County District Attorney was not properly bonded and, therefore, the entire Washoe County District Attorney's Office was without any legal authority to pursue criminal charges against him.

Summers failed to demonstrate that his sentence was facially illegal or the district court lacked jurisdiction. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Summers' claim did not challenge the facial legality of his sentence. Further, even assuming the District Attorney was not properly bonded as required by NRS 252.030;

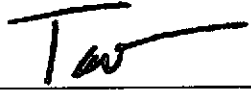
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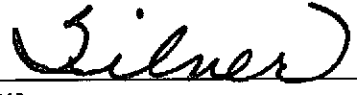
<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

NRS 282.120, the failure to be properly bonded would not have divested the district court of jurisdiction. *See Nev. Const. art. 6, § 6; NRS 171.010.* Therefore, we conclude the district court did not err in denying Summers' motion, and we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Jerome M. Polaha, District Judge  
Tracy Nicole Summers  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>2</sup>We have reviewed all documents Summers has filed in this matter, and, to the extent he attempts to present claims or facts in those documents which were not previously presented in the proceedings below, we decline to consider them in the first instance.