

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ADAM RALPH GARCIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 71598

FILED

MAR 23 2017

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

ORDER OF AFFIRMANCE

Appellant Adam Ralph Garcia appeals from an order of the district court denying his May 2, 2016, motion to correct an illegal sentence.¹ Ninth Judicial District Court, Douglas County; Nathan Tod Young, Judge.

Garcia argues the district court erred in denying his motion because his sentence is illegal. Garcia argued his sentence was illegal because he believed his conviction for attempted sexual assault with the use of a deadly weapon carried a maximum permissible sentence of 10 years, but he has improperly been sentenced to serve consecutive terms of 6 to 20 years in prison.

Garcia's motion lacked merit because his sentence was not facially illegal and the district court did not lack jurisdiction to impose sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). The version of NRS 193.330(1)(a)(1) at the time Garcia was

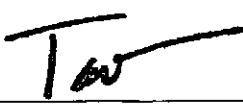
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

17-900547

convicted provided that a defendant convicted of an attempt to commit a category A felony shall serve a term for a category B felony, with a sentence of a "minimum term of not less than 2 years and a maximum term of not more than 20 years." 1997 Nev. Stat., ch. 314, § 2, at 1178. Garcia's sentence for the underlying conviction for attempted sexual assault was within those parameters and the sentencing court also properly imposed a term for the deadly weapon enhancement. See 1995 Nev. Stat., ch. 455, § 1, at 1431 (former version of NRS 193.165); 1997 Nev. Stat., ch. 314, § 2, at 1178 (former version of NRS 193.330); 2003 Nev. Stat., ch. 461, § 1, at 2825-26 (former version of NRS 200.366). Therefore, we conclude the district court did not err in denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Nathan Tod Young, District Judge
Adam Ralph Garcia
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk