

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT DIXON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70735

**FILED**

MAR 23 2017

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

*ORDER OF AFFIRMANCE*

Appellant Robert Dixon appeals from an order of the district court denying a “motion to discharge illegal sentence to correct illegal sentence.”<sup>1</sup> Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

In his motion filed on May 20, 2016, Dixon claimed that his sentence for count 2 was illegal because he should have only been sentenced to 5 to 20 years in prison pursuant to 1983 Nev. Stat., ch. 111, § 4, at 288 (former NRS 453.3395(2)) because he possessed less than 400 grams of heroin. Dixon 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). Dixon was actually sentenced under 1983 Nev. Stat., ch. 111, § 2, at 287 (former NRS 453.3385(3)) for possessing more than 28 grams of heroin. This is correctly reflected in Dixon’s third amended judgment of conviction.

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

Therefore, we conclude the district court did not err in denying Dixon's motion, and we

ORDER the judgment of the district court AFFIRMED.

Silver, C.J.  
Silver

Tao, J.  
Tao

Gibbons, J.  
Gibbons

cc: Hon. Kathleen E. Delaney, District Judge  
Robert Dixon  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk