

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN FRANCIS ARPINO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72762

FILED

DEC 14 2017

KENABETTA BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

John Francis Arpino appeals from a district court order denying the motion to correct an illegal sentence he filed on March 1, 2017.¹ Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

Arpino claims the district court erred in denying his motion because the Washoe County District Attorney's Office lacked lawful authority to prosecute him, the Washoe County District Attorney's Office employees and the Second Judicial District Court judges are engaged in an ongoing conspiracy, and neither the district court nor State answered the legal arguments he presented in his motion.

A motion to correct an illegal sentence "presupposes a valid conviction" and 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) (quoting *Allen v. United States*, 495 A.2d 1146, 1149 (D.C. 1985)). A district court may summarily

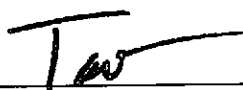
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


deny a motion to correct an illegal sentence if it raises issues that fall outside the very narrow scope of issues permissible in such motions. *Id.* at 708 n.2, 918 P.2d at 326 n.2.

Arpino'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 193.130(2)(c); NRS 200.471(2)(b); NRS 205.060(2); NRS 205.222(2). Therefore, the district court did not err in summarily denying his motion, and we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Chief Judge, Second Judicial District Court
John Francis Arpino
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

²We have reviewed all documents Arpino has filed in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Arpino has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance.