

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHARLES CLINTON NEWTON, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 72593

FILED

DEC 14 2017

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

*ORDER OF AFFIRMANCE*

Charles Clinton Newton, Jr., appeals from a district court order summarily denying the motion to correct an illegal sentence he filed on January 17, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Richard Scotti, Judge.

In his motion, Newton claimed his sentence for attempting to violate lifetime supervision was illegal “because the State failed to charge him with any violations enumerated within NRS 213.1243. Thus, the district court never obtained subject matter jurisdiction over his case because the charging documents did not state a crime.”


NRS 176.555 states a district “court may correct an illegal sentence at any time.” A motion to correct an illegal sentence, however, 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).

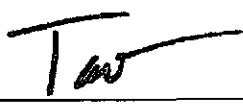
<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).


17-902655

Newton's claim fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence because it did not implicate the jurisdiction of the district court, *see* Nev. Const. art 6, § 6; NRS 171.010, and his sentence is facially legal, *see* NRS 193.130(2)(c); NRS 193.330(1)(a)(3); NRS 213.1243(8). Accordingly, the district court did not err by denying his motion, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Richard Scotti, District Judge  
Charles Clinton Newton, Jr.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk