

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARCUS SHEREEF MCNEAL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 74900

**FILED**

SEP 26 2018

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

*ORDER OF AFFIRMANCE*

Marcus Shereef McNeal appeals from an order of the district court denying his “motion for hearing on newly discovered evidence, correct illegal sentence” filed on December 4, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Michael Villani, Judge.


McNeal claimed he had new evidence that challenged the validity of the information and, thus, the district court’s subject matter jurisdiction over his case. To the extent McNeal sought a new trial based on newly discovered evidence pursuant to NRS 176.515(1), his motion was untimely from his June 2013 verdicts. See NRS 176.515(3) (requiring the motion to be filed within two years of verdicts). To the extent McNeal challenged the legality of his sentence, his claims were outside the scope of a motion to correct an illegal sentence. See *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996) (“A motion to correct an illegal sentence presupposes a valid conviction and may not, therefore, be used to challenge alleged errors in proceedings that occur prior to the imposition of sentence.”)

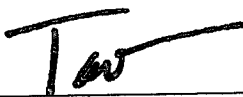
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<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

(internal quotation marks omitted)). Having concluded McNeal was not entitled to relief, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Michael Villani, District Judge  
Marcus Shereef McNeal  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk