

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAYSEN ALEXANDER PATTERSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74826

FILED

SEP 14 2018

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

ORDER OF AFFIRMANCE

Jaysen Alexander Patterson appeals from an order of the district court denying a motion to correct an illegal sentence.¹ Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

Patterson argues the district court erred by denying his August 4, 2017, motion. In his motion, Patterson claimed that the district court was without jurisdiction to convict him because the laws reproduced in the Nevada Revised Statutes do not contain enacting clauses as required by the Nevada Constitution, the statute authorizing creation of the Nevada Revised Statutes improperly contained more than one subject, and the commission that made recommendations regarding the creation of the Nevada Revised Statutes during the 1950s was not lawful.


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


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

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.'" *Id.* (quoting *Allen v. United States*, 495 A.2d 1145, 1149 (D.C. 1985)). Patterson'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 24 to 60 year prison sentence is facially legal, *see* NRS 176.035(1); NRS 205.010; NRS 205.060(4). 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. Kathleen M. Drakulich, District Judge
Jaysen Alexander Patterson
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk