

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT LINZY BELLON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 71430

FILED

FEB 23 2017

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

ORDER OF AFFIRMANCE

Appellant Robert Bellon appeals from an order of the district court denying a motion to modify or correct an illegal sentence.¹ Eighth Judicial District Court, Clark County; Susan Johnson, Judge.


Bellon claims the district court erred by denying his motion to modify or correct an illegal sentence because he was a juvenile when he committed his crime, he was sentenced to two consecutive terms of life without the possibility of parole, and he is entitled to a modification of his sentence pursuant to NRS 213.12135. Alternatively, he argues his sentence is illegal pursuant to NRS 176.025 because this statute states a juvenile cannot be sentenced to life without the possibility of parole for murder. Bellon's claims fell outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. See *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Contrary to Bellon's argument, the portion of A.B. 267 that states a person under the age of 18 cannot receive a sentence of life without the possibility of


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


17-900353

parole only applies prospectively. See 2015 Nev. Stat. ch. 152, § 5(1), at 618-19 (NRS 176.025 only applies to persons who committed their offense or were sentenced for their offense after October 1, 2015). While Bellon's sentence is not illegal, assuming he was a juvenile at the time he committed the murder,² we note he would be eligible for parole on his first sentence pursuant to NRS 213.12135(1)(b) after serving 20 years in prison. 2015 Nev. Stat. ch. 152, § 5(2) (parole eligibility statute applies retroactively to offenses committed prior to October 1, 2015). Accordingly, we conclude the district court did not err in denying the motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

²While some evidence in the record suggests Bellon was born on June 9, 1977, and he would have been 18 at the time of the murder, Bellon has provided some evidence he was actually born on June 9, 1978, and, therefore, he would have been 17 at the time of the murder.

cc: Hon. Susan Johnson, District Judge
Robert Linzy Bellon
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk