

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LEE DAVIDSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69187

FILED

MAY 17 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying two motions to correct an illegal sentence.¹ Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Appellant Lee Davidson claims the district court erred by denying his motions because they may be raised at any time and the sentencing court lacked jurisdiction to enhance the penalties for both of his convictions. In particular, Davidson argues his grand larceny conviction was illegally enhanced because NRS 207.016(1) only allows the principal crime to be enhanced and his burglary conviction was the principal crime.

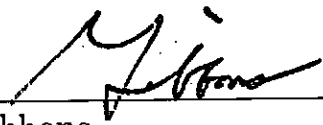
NRS 176.555 provides that a district court “may correct an illegal sentence at any time.” A motion to correct an illegal sentence, however, may only challenge the facial legality of the sentence: either the district court was without jurisdiction to impose a sentence or the sentence

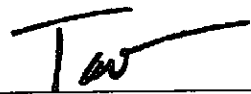
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

was imposed in excess of the statutory maximum. *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

Davidson's claims 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 207.010(1); *see generally* *Odoms v. State*, 102 Nev. 27, 31-33, 714 P.2d 568, 571-72 (1986) (discussing multiple sentence enhancements); therefore, the district court did not err by denying his motions, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Lee Davidson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk