

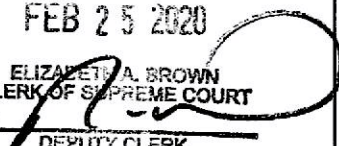
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GORDON WAYNE SIMPSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78292-COA

FILED

FEB 25 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Gordon Wayne Simpson appeals from a district court order denying a motion to correct an illegal sentence filed on January 30, 2019. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.

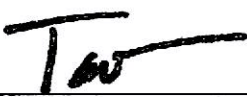
Simpson argues the district court erred by denying his motion. Below, Simpson argued his sentence is illegal because the district court never obtained subject matter jurisdiction over his case. Specifically, he asserted his case was never properly bound over from the Reno Justice Court and the State improperly sought an indictment while a criminal complaint was pending.

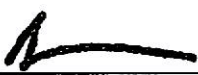
“A motion to correct an illegal sentence presupposes a valid conviction and may not, therefore, be used to challenge alleged errors in proceedings that occur prior to the imposition of sentence.” *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Simpson’s claim challenged the validity of his judgment of conviction based on alleged errors that occurred prior to sentencing. Therefore, his claim fell outside the narrow scope of claims permitted in a motion to correct an illegal sentence. *See id.* Moreover, as the district court found, the return of an indictment while his criminal complaint was pending did not give rise to a jurisdictional

defect in the proceedings. *See Tellis v. Sheriff*, 85 Nev. 557, 561, 459 P.2d 364, 366 (1969). Accordingly, we conclude the district court did not err by denying Simpson's motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Elliott A. Sattler, District Judge
Gordon Wayne Simpson
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk