

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL DAVID LILLIE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79550-COA

**FILED**

**MAY 11 2020**

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

*ORDER OF AFFIRMANCE*

Michael David Lillie appeals from an order of the district court denying a motion to correct an illegal sentence filed on June 20, 2019. Ninth Judicial District Court, Douglas County; Thomas W. Gregory, Judge.

Lillie argues the district court erred by denying his claim that his sentence was illegal and the district court was without jurisdiction because he was not informed of the possible sentence he was facing or that he was pleading to a category B felony. Specifically, he claimed the charging document and the guilty plea agreement did not reference the sentencing statute, NRS 484C.410; instead, these documents only referenced NRS 484C.110. Lillie failed to demonstrate that his sentence was facially illegal or the district court lacked jurisdiction. *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.” *Id.* (internal quotation marks omitted).

Any error in not citing to the sentencing statute in the charging document and the guilty plea agreement were errors that occurred prior to the imposition of sentence. Further, we note Lillie was correctly informed

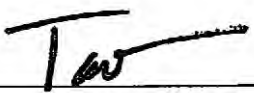
in the guilty plea agreement and during the plea canvass regarding the potential minimum and maximum sentence and the fact that the crime he was pleading to was a category B felony. Therefore, we conclude the district court did not err by denying this claim.

Lillie also claims the district court erred by denying his claim that his judgment of conviction incorrectly states he must serve a minimum sentence before parole eligibility. Lillie failed to demonstrate that this language was incorrect, rendered his sentence facially illegal, or caused the district court to lack jurisdiction. *See id.* Further, the district court removed this language in an amended judgment of conviction filed on August 20, 2019. Therefore, we conclude the district court did not err by denying this claim.

Finally, Lillie claims the district court erred by filing an amended judgment of conviction. Lillie claims the district court did not have the authority to add a citation to the appropriate sentencing statute. Clerical errors in the judgment of conviction can be corrected at any time. *See* NRS 176.565. The failure to cite to NRS 484C.410 was a clerical error. Therefore, we conclude the district court did not err by filing an amended judgment of conviction. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Thomas W. Gregory, District Judge  
Michael David Lillie  
Attorney General/Carson City  
Douglas County District Attorney/Minden  
Douglas County Clerk