

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TOMMY JOSEPH RAMIREZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80676-COA

FILED

AUG 31 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *S. Valencia*
DEPUTY CLERK

ORDER OF AFFIRMANCE

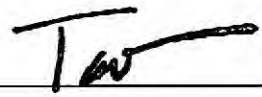
Tommy Joseph Ramirez appeals from an order of the district court denying a motion to correct an illegal sentence filed on December 27, 2019. Ninth Judicial District Court, Douglas County; Thomas W. Gregory, Judge.

In his motion, Ramirez claimed his sentence was illegal because NRS 453.3385 “illegally” states that methamphetamine is a schedule I drug. A motion to correct an illegal sentence may challenge only the facial legality of a sentence and cannot be used to challenge the validity of a conviction. *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Ramirez’s claim challenges the validity of his conviction and is not a challenge to facial legality of his sentence. Therefore, Ramirez’s claim fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence. Accordingly, without considering the merits of the claim raised in the

motion, we conclude the district court did not err by denying the motion, and we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Thomas W. Gregory, District Judge
Tommy Joseph Ramirez
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

¹Ramirez also argues the district court erred by construing the motion as challenging his 2015 case, because Ramirez was challenging his 2014 case. However, Ramirez's motion did not properly identify the conviction he was challenging. See D.C.R. 12(3)(a), (b) (providing every pleading presented for filing shall identify the case number and department the case was assigned to). Therefore, we conclude the district court did not err by so construing the motion.