

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JUSTIN ODELL LANGFORD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 80972-COA

**FILED**

OCT 16 2020

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

*ORDER OF AFFIRMANCE*

Justin Odell Langford appeals from an order of the district court denying a February 25, 2020, motion to correct an illegal sentence. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

Langford argues the district court erred by denying his motion because the State failed to properly oppose it and, therefore, conceded he was entitled to relief. Langford fails to demonstrate that the State's opposition was improper or that the State conceded his claim had merit. Accordingly, we conclude the district court did not err in this regard.

Next, Langford appears to argue the district court erred by conducting a hearing concerning the motion without allowing him to participate. A criminal defendant does not have an unlimited right to be present at every proceeding. *See Gallego v. State*, 117 Nev. 348, 367-68, 23 P.3d 227, 240 (2001), *abrogated on other grounds by Nunnery v. State*, 127 Nev. 749, 776 n.12, 263 P.3d 235, 253 n.12 (2011). A "defendant must show that he was prejudiced by the absence." *Kirksey v. State*, 112 Nev. 980, 1000, 923 P.2d 1102, 1115 (1996). The record indicates the hearing at issue was not an evidentiary hearing, no testimony was presented, and the district court merely announced it denied Langford's motion. Langford does

not demonstrate he was prejudiced by his absence from the relevant hearing. Accordingly, we conclude the district court did not err in this regard.

In his motion below, Langford claimed the trial court lacked jurisdiction to convict him because it failed to correctly swear in the jury. However, this claim did not implicate the jurisdiction of the courts. See Nev. Const. art. 6, § 6(1); NRS 171.010; *United States v. Cotton*, 535 U.S. 625, 630 (2002) (“[T]he term jurisdiction means . . . the court’s statutory or constitutional power to adjudicate the case.” (internal quotation marks omitted)). Accordingly, Langford’s claim fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence. See *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, without considering the merits of any of the claims 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.

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

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

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

cc: Hon. Joseph Hardy, Jr., District Judge  
Justin Odell Langford  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk