

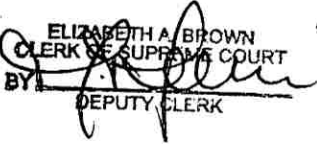
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NATHAN LOUIS LOMAX,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85530-COA

FILED

MAR 17 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Nathan Louis Lomax appeals from an order of the district court dismissing his “motion of fraud upon the court” filed on June 1, 2022. Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

The district court construed Lomax’s motion to be a postconviction petition for a writ of habeas corpus. Lomax filed his petition more than two years after issuance of the remittitur on direct appeal on March 3, 2020. *See Lomax v. State*, No. 78427-COA, 2020 WL 589555 (Nev. Ct. App. Feb. 4, 2020) (Order of Affirmance). Thus, Lomax’s petition was untimely filed. *See* NRS 34.726(1). Lomax’s petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.* Lomax did not allege good cause in his petition. Therefore, we conclude the district court did not err by dismissing the petition as procedurally barred.

The district court, in the alternative, construed Lomax’s motion as a motion to modify or correct an illegal sentence. In his motion, Lomax first claimed the district court fraudulently introduced unconstitutional judgments of conviction into evidence at sentencing. Lomax failed to demonstrate the judgments of conviction were unconstitutional. Thus,

Lomax failed to demonstrate the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment, his sentence was facially illegal, or the district court lacked jurisdiction. Therefore, we conclude the district court did not err by denying this claim. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

Lomax also claimed that his counsel was ineffective for failing to investigate his prior convictions. This claim fell outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. *See id.* Therefore, without considering the merits of this claim, we conclude the district court did not err by denying this claim.

Having concluded Lomax is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Egan K. Walker, District Judge
Nathan Louis Lomax
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk