IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DUSTIN THOMAS SHOFFNER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86082-COA

FILED

MAY 08 2023

ELIZABETH A BROWN
CLERK OF SUPREME COURT
BY _____
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

Dustin Thomas Shoffner appeals from a judgment of conviction, entered pursuant to a guilty plea, of sexually motivated coercion. Second Judicial District Court, Washoe County; Lynne K. Simons, Chief Judge.

Shoffner argues that his sentence is illegal because the district court erroneously imposed a special sentence of lifetime supervision. The State concedes the error, because no statute authorizes the district court to impose a special sentence of lifetime supervision for the crime of sexually motivated coercion. *Cf.* NRS 176.0931(1) (requiring sentencing courts to impose "a special sentence of lifetime supervision" on a defendant who is convicted of a "sexual offense"); NRS 176.0931(5)(b) (defining "sexual offense"); *see also* NRS 207.190 (defining "coercion" and providing the sentencing options); NRS 207.193 (providing the hearing requirements to determine whether coercion was sexually motivated).

We agree with the parties that Shoffner's sentence is illegal because the district court erroneously imposed a special sentence of lifetime supervision. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996) (stating that an illegal sentence is one that is imposed in excess of the statutory maximum). Because an illegal sentence can be corrected at any time, *see* NRS 176.555, we direct the district court to issue an amended

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judgment of conviction striking the imposition of a special sentence of lifetime supervision. Accordingly, we

ORDER the judgment of conviction REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

_____, C.J.
Gibbons

_____, J.
Bulla

_____, J.
Westbrook

cc: Hon. Lynne K. Simons, Chief Judge
     Washoe County Public Defender
     Attorney General/Carson City
     Washoe County District Attorney
     Washoe District Court Clerk