

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY JOSEPH WROBEL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86313-COA

FILED

SEP 18 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Anthony Joseph Wrobel appeals from an order of the district court denying a “motion to correct illegal sentence by fraudulent contract, charging document, judgement of conviction and plea deals, through rescission” filed on February 6, 2023. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

In his motion, Wrobel claimed Senate Bill 182 (S.B. 182), which was enacted in 1951 and created a commission for revision and compilation of Nevada laws,¹ was unconstitutional because it allowed Nevada Supreme Court justices to sit on the commission. Wrobel further claimed that “all acts derived from S.B. 182,” such as charging documents, judgments of conviction, and plea deals, hold no authority because S.B. 182 is unconstitutional. Wrobel appears to have claimed that his judgment of conviction and plea agreement were defective and should be rescinded due to fraudulent inducement.

A motion to correct an illegal sentence may only challenge the facial legality of the sentence: either the district court was without

¹See 1951 Nev. Stat., ch. 304, §§ 1-17, at 470-72.

jurisdiction to impose a sentence or the sentence was imposed in excess of the statutory maximum. *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).

Wrobel’s claims did not implicate the jurisdiction of the courts. *See* Nev. Const. art. 6, § 6(1); *United States v. Cotton*, 535 U.S. 625, 630 (2002) (“[T]he term ‘jurisdiction’ means . . . the courts’ statutory or constitutional *power* to adjudicate the case.” (internal quotation marks omitted)); *Landreth v. Malik*, 127 Nev. 175, 183, 251 P.3d 163, 168 (2011) (“Subject matter jurisdiction is the court’s authority to render a judgment in a particular category of case.” (internal quotation marks omitted)). And Wrobel did not allege that his sentence exceeded the statutory maximum. To the extent Wrobel’s claims challenged the validity of his judgment of conviction, they were outside the scope of a motion to correct an illegal sentence. Therefore, we conclude the district court did not err by denying Wrobel’s motion.

On appeal, Wrobel appears to argue the district court (1) violated the judicial code of conduct; (2) violated 18 U.S.C. § 242, as well as his due process and equal protection rights; (3) committed acts of treason; and (4) failed to have him present for a hearing on a separate pleading. Wrobel did not raise these claims in his motion below; therefore, we decline to consider them on appeal in first instance. *See McNelton v. State*, 115 Nev. 396, 415-16, 990 P.2d 1263, 1275-76 (1999).

Wrobel also appears to argue the district court (1) failed to notify federal agencies of crimes committed by the district attorney’s office;

(2) erred in allowing the State to file its opposition; and (3) erred in adopting and/or ruling on the State's opposition. Wrobel fails to demonstrate the district court had any obligation to notify federal agencies in regard to his claims. He also fails to demonstrate the district court erred by allowing the State to file an opposition or by issuing an order consistent with the State's opposition. Therefore, we conclude Wrobel is not entitled to relief on these claims. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Tierra Danielle Jones, District Judge
Anthony Joseph Wrobel
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk