


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ERIC JOHNSON,  
Appellant,  
vs.  
GABRIELA NAJERA, WARDEN;  
SOUTHERN DESERT CORRECTIONAL  
CENTER; WILLIAM GITTERE,  
ACTING DIRECTOR; NEVADA  
DEPARTMENT OF CORRECTIONS;  
AND AARON D. FORD, NEVADA  
ATTORNEY GENERAL,  
Respondents.

No. 87223-COA

**FILED**  
MAY 16 2024  
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Eric Johnson appeals from a district court order denying a motion to correct an illegal sentence filed on July 2, 2023. Eighth Judicial District Court, Clark County; Crystal Eller, Judge.

In his motion, Johnson claimed that he was challenging the legality of his sentence based on Senate Bill (S.B.) 182 (1951). A motion to correct an illegal sentence may only challenge the facial legality of the sentence: either the district court was without 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). And such a motion “presupposes a valid conviction.” *Id.* (quotation marks omitted).

Although Johnson claimed in his motion that he was only challenging the legality of his sentence, he argued that S.B. 182 improperly appointed supreme court justices to the statute revision commission and, therefore, his charging document, judgment of conviction, and plea deal are invalid. Because his argument goes to the validity of his conviction, Johnson’s claim is outside the scope of claims allowed in a motion to correct

an illegal sentence, and without considering the merits of his claims, we conclude the district court did not err by denying Johnson's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Crystal Eller, District Judge  
Eric Johnson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk