

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIAM JACOB MARTIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

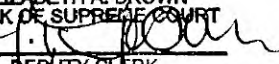
No. 87437-COA

WILLIAM JACOB MARTIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87472-COA

FILED

AUG 30 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

William Jacob Martin appeals from district court orders denying motions to correct an illegal sentence filed on June 5, 2023, in district court case no. 19-10DC-0289 (Docket No. 87437-COA) and district court case no. 19-10DC-0290 (Docket No. 87472-COA). These cases were consolidated on appeal. See NRAP 3(b). Tenth Judicial District Court, Churchill County; Jim C. Shirley, Judge.

Martin contends the district court erred by denying his motions to correct an illegal sentence. 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).

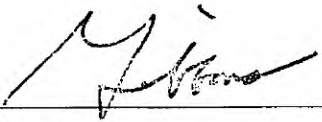
In his motions, Martin claimed the district court lacked jurisdiction to impose his sentences because the Nevada Revised Statutes in general, and NRS 171.010, NRS 220.120, and NRS 220.170 in particular, are invalid and unconstitutional. Although Martin purported to challenge the district court’s jurisdiction only insofar as it pertained to his sentencing, his arguments implicated the validity of Nevada’s entire statutory scheme and, thus, the validity of his conviction. Therefore, Martin’s claims were outside the scope of claims permissible in a motion to correct an illegal sentence, and without considering the merits of any claims raised in the motions, we conclude the district court did not err by denying Martin’s motions.

Martin also contends the district court erred by denying his motions for the appointment of counsel. No statute or court rule allows for the appointment of counsel for a motion to correct an illegal sentence. Therefore, Martin fails to demonstrate the district court erred by denying his motions for the appointment of counsel.

Martin also contends the district court erred by denying his motions for modification of sentence filed on July 21, 2023. Martin did not designate an order denying motions for modification of sentence in his notice of appeal. Moreover, the record does not indicate that a decision had been made on these motions when Martin filed the instant notices of appeal on October 16, 2023. *See* NRS 177.015(3) (stating a defendant “may appeal from a final judgment or verdict in a criminal case”). Therefore, we lack

jurisdiction to consider Martin's claims regarding his motions for modification of sentence, and we

ORDER the judgments of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Jim C. Shirley, District Judge
William Jacob Martin
Attorney General/Carson City
Churchill County District Attorney/Fallon
Churchill County Clerk

¹Martin has requested the appointment of counsel on appeal. In light of this court's disposition, we conclude the appointment of counsel is not warranted.