

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICK SHAWN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86037-COA

FILED

SEP 19 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY  DEPUTY CLERK

No. 86038-COA

RICK SHAWN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86039-COA

RICK SHAWN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

ORDER OF AFFIRMANCE

Rick Shawn appeals from district court orders denying motions to correct an illegal sentence filed on October 25, 2022, in district court case no. 09C257062 (Docket No. 86037-COA), district court case no. 09C258149 (Docket No. 86038-COA), and district court case no. 10C261008-2 (Docket

24-34601

No. 86039-COA). Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge; Michael A. Cherry, Senior Judge.


Shawn appears to argue that the district court erred by denying his motions because his convictions and sentences in all three cases are invalid under the Double Jeopardy Clause and barred as *res judicata*. 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). The district court may summarily deny a motion to correct an illegal sentence if the motion raises issues that fall outside of the very narrow scope of issues permissible in such motions. *Id.* at 708 n.2, 918 P.2d at 325 n.2.

Shawn’s claims challenge the validity of his judgments of conviction. Without considering the merits of Shawn’s claims, we conclude they fall outside the narrow scope of claims permissible in a motion to correct an illegal sentence. Therefore, we conclude the district court did not err by denying Shawn’s motions.

On appeal, Shawn also argues that (1) he received ineffective assistance of counsel, (2) his sentence is unconstitutional due to juror misconduct, and (3) the trial court erred by denying his motion for a mistrial. These claims were not raised in Shawn’s motions below, and we

decline to consider them on appeal in the first instance. *See State v. Wade*, 105 Nev. 206, 209 n.3, 772 P.2d 1291, 1293 n.3 (1989). Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Chief Judge, Eighth Judicial District Court
Hon. Joseph Hardy, Jr., District Judge
Hon. Michael A. Cherry, Senior Judge
Hitzke & Ferran
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹We have reviewed all documents that Shawn has submitted in these matters, and we conclude that no relief based upon those submissions is warranted.