

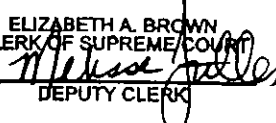
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BLAKE LAWRENCE ANDERSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 89684-COA

**FILED**

SEP 03 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Blake Lawrence Anderson appeals from a district court order denying a motion to correct an illegal sentence filed on October 8, 2024. Eighth Judicial District Court, Clark County; Jennifer L. Schwartz, Judge.

In his motion, Anderson claimed (1) the Nevada Supreme Court “effectively struck down the entire NRS scheme”; (2) the trial court lacked jurisdiction because NRS 171.010’s statutory source law was repealed in 1957 as part of Senate Bill (S.B.) 2; and (3) his statutes of conviction are invalid because their statutory source laws were repealed as part of S.B. 2 and because the Nevada Revised Statutes do not contain enactment clauses.

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 Anderson purports to challenge the trial court’s jurisdiction insofar as it pertains to his sentencing, his arguments implicate the validity of Nevada’s entire statutory scheme and, thus, the validity of

his conviction. Moreover, Anderson's claims do not demonstrate his sentence exceeded the statutory maximum but rather challenge the validity of the statutes themselves. Therefore, Anderson's claims are 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 Anderson's motion.

On appeal, Anderson argues the district court erroneously allowed prosecutorial misconduct because the State served him with its response one day before the hearing on his motion in violation of District Court Rule 13(3). Even assuming the State's response was untimely, the district court was not required to grant Anderson's motion. *See* DCR 13(3) (allowing, but not requiring, the district court to grant a motion where the opposition is untimely filed). Moreover, any error in depriving Anderson of the ability to file a reply did not affect Anderson's substantial rights as his claims were not within the scope of claims permissible in a motion to correct an illegal sentence. *See* NRS 178.598. Therefore, we conclude Anderson is not entitled to relief on this claim.

Anderson also argues the trial court judge violated her oath to protect and defend the constitution because his statutes of conviction lacked enactment clauses as required by the Nevada Constitution. Anderson did not raise this claim in his motion below. Therefore, we decline to consider it for the first time on appeal.<sup>1</sup> *See State v. Wade*, 105 Nev. 206, 209 n.3, 772 P.2d 1291, 1293 n.3 (1989).

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<sup>1</sup>To the extent Anderson's claim specifically concerns the judge who heard his motion to correct an illegal sentence and not the judge who presided over his trial, Anderson fails to demonstrate the district court judge violated her oath of office as the relevant statutes have enactment


Finally, Anderson argues his due process rights were violated because the trial court lacked subject matter jurisdiction for the reasons stated in his motion. Anderson's claims did not implicate the jurisdiction of the courts. *See* Nev. Const, art. 6, § 6; *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)). Therefore, we conclude Anderson is not entitled to relief on this claim.

In light of the foregoing, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

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clauses. *See, e.g.*, 2015 Nev. Stat., ch. 399, at 2233 (enacting clause for NRS 200.364, NRS 200.366, and NRS 200.400); 2007 Nev. Stat., ch. 525, at 3172 (enacting clause for NRS 193.165); 1995 Nev. Stat., ch. 443, at 1167 (enacting clause for NRS 197.200, NRS 200.310, NRS 200.320); *see also* 1957 Nev. Stat., ch. 2, at 1 (enacting clause of S.B. 2).

cc: Hon. Jennifer L. Schwartz, District Judge  
Blake Lawrence Anderson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk