

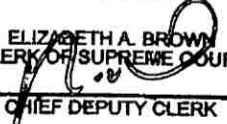
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAMON LEE DUNAGAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 90411-COA

FILED

NOV 26 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Damon Lee Dunagan appeals from a district court order denying a motion to correct an illegal sentence filed on November 14, 2024. Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

In his motion, Dunagan 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down the entire NRS scheme”; (2) the trial court lacked jurisdiction because NRS 171.010’s statutory source law was repealed in 1957 as part of Senate Bill (S.B.) 2; and (3) his statutes of conviction are invalid because their statutory source laws were repealed as part of S.B. 2 and because the Nevada Revised Statutes do not contain enactment clauses.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 Dunagan 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, Dunagan's claims do not demonstrate his sentence exceeded the statutory maximum but rather challenge the validity of the statutes themselves. Therefore, Dunagan'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 Dunagan's motion.

On appeal, Dunagan argues the trial court judge violated his oath to protect and defend the constitution because the statutes of conviction lacked enactment clauses as required by the Nevada Constitution. Dunagan 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). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
Bulla, C.J.

  
Gibbons, J.

  
Westbrook, J.

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<sup>1</sup>To the extent Dunagan's claim concerns the district court judge who heard his motion to correct an illegal sentence, Dunagan fails to demonstrate the district court judge violated his oath of office.

cc: Hon. Egan K. Walker, District Judge  
Damon Lee Dunagan  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk