

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY LOGAN JONES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 41523

FILED

MAY 05 2001

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant Jeffrey Jones' motion to correct an illegal sentence.

On January 29, 1988, the district court convicted Jones, pursuant to a guilty plea, of sexual assault with the use of a deadly weapon, and robbery with the use of a deadly weapon. The district court sentenced Jones to serve two terms of life in the Nevada State Prison with the possibility of parole, and two terms of fifteen years. All sentences were imposed to run consecutively. Jones did not file a direct appeal, but made several unsuccessful attempts at post-conviction relief.<sup>1</sup>

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<sup>1</sup>See Jones v. State, Docket No. 20681 (Order Dismissing Appeal, February 20, 1990); Jones v. State, Docket Nos. 30596, 32520 (Order Dismissing Appeals, September 24, 1999); Jones v. State, Docket No. 36003 (Order of Affirmance, December 5, 2001).

On April 25, 2003, Jones filed a proper person motion to correct an illegal sentence in the district court. The State opposed the motion. On July 22, 2003, the district court denied Jones' motion. This appeal followed.

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.<sup>2</sup> "A motion to correct an illegal sentence 'presupposes a valid conviction and may not, therefore, be used to challenge alleged errors in proceedings that occur prior to the imposition of sentence.'"<sup>3</sup>

In his motion, Jones contended that the district court did not have jurisdiction over his case because the juvenile court failed to properly certify him as an adult. Specifically, the juvenile court did not conduct a full investigation or a fair hearing because the court was lacking information concerning Jones' juvenile offense history in Ohio.<sup>4</sup>

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<sup>2</sup>Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

<sup>3</sup>Id. (quoting Allen v. United States, 495 A.2d 1145, 1149 (D.C. 1985)).

<sup>4</sup>To the extent that Jones is arguing that the juvenile court erred in concluding that he should be certified as an adult, we note that this is outside the scope of a motion to correct an illegal sentence. We have addressed Jones' claim only to the extent necessary to determine if the  
*continued on next page . . .*

At the time Jones committed his offenses, if a child sixteen years of age or older was charged with a crime that would be a felony if committed by an adult, the juvenile court could retain jurisdiction over the case or certify the child as an adult and transfer the case to the district court.<sup>5</sup> The juvenile court was required to conduct a "full investigation" prior to making this determination.<sup>6</sup> A review of the record on appeal reveals that a probation officer of the juvenile court completed an investigation of Jones and submitted a report—which included his history of juvenile offenses in Ohio—to the juvenile court. Further, the juvenile court conducted a certification hearing in which Jones' counsel argued against the transfer of his case to the district court. The juvenile court determined, however, that Jones should be certified as an adult. Jones' claim that he was not afforded a full investigation or a fair hearing is belied by the record.<sup>7</sup> Therefore, Jones' contention that the district court was without jurisdiction to consider his case is without merit.

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*... continued*

juvenile court properly transferred jurisdiction of his case to the district court.


<sup>5</sup>1977 Nev. Stat., ch. 531, § 6, at 1272.

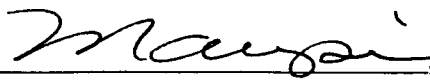
<sup>6</sup>Id.

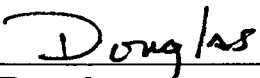
<sup>7</sup>See Hargrove v. State, 100 Nev. 498, 503, 686 P.2d 222, 225 (1984).

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that Jones is not entitled to relief and that briefing and oral argument are unwarranted.<sup>8</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>9</sup>

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Donald M. Mosley, District Judge  
Jeffrey Logan Jones  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>8</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

<sup>9</sup>We have reviewed all documents that Jones has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that Jones has attempted to present claims or facts in those submissions that were not previously presented in the proceedings below, we have declined to consider them in the first instance.