

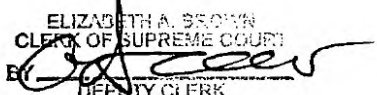
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NAPOLEON SEPULVEDA OLIVERA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86814-COA

FILED

MAY 01 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER AFFIRMING IN PART AND DISMISSING IN PART

Napoleon Sepulveda Olivera appeals from district court orders denying a “motion to correct illegal sentence by fraudulent contract, charging document, judgment of conviction and plea deals, through rescission” filed on January 25, 2023, and a “motion for transcripts at state expense” filed on June 20, 2023. Eighth Judicial District Court, Clark County; Danielle K. Pieper, Judge.

Motion to correct an illegal sentence

Olivera claimed Senate Bill 182 (S.B. 182), which was enacted in 1951 and created a commission for revision and compilation of Nevada laws,¹ was unconstitutional because it allowed Nevada Supreme Court justices to sit on the commission. Olivera further claimed that “all acts derived from S.B. 182,” such as charging documents, judgments of conviction, and plea deals, hold no authority because S.B. 182 is

¹See 1951 Nev. Stat., ch. 304, §§ 1-17, at 470-72.

unconstitutional. Olivera appears to have claimed that his judgment of conviction and plea agreement were defective and should be rescinded due to fraudulent inducement.

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). Olivera’s claims challenged the validity of his conviction. Therefore, Olivera’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 Olivera’s motion.


On appeal, Olivera appears to contend that the district court committed various crimes in denying his motion and that the State committed various crimes in securing his plea and/or in opposing his motion. Olivera does not cogently argue these claims for relief; therefore, we decline to consider them. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (stating this court need not consider an argument that is not cogently argued or supported by relevant authority).

Motion for transcripts

The notice of appeal fails to identify any judgments of the district court. Moreover, it does not appear from the district court docket sheet and minute entries that the district court entered any appealable

order. Therefore, we lack jurisdiction to consider this portion of Olivera's appeal and order it dismissed. Accordingly, we

ORDER the judgment of the district court AFFIRMED and the appeal DISMISSED IN PART.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Danielle K. Pieper, District Judge
Napoleon Sepulveda Olivera
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk