

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN STINCHFIELD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 51932

**FILED**

**MAR 10 2009**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to correct an illegal sentence. Second Judicial District Court, Washoe County; Robert H. Perry, Judge.

On August 18, 1995, the district court convicted appellant, pursuant to a guilty plea, of one count of escape (a gross misdemeanor). The district court sentenced appellant to time served in the amount of 43 days.

On October 23, 2007, appellant filed a proper person motion to correct an illegal sentence in the district court. The State opposed the motion. On May 21, 2008, the district court denied appellant's motion. This appeal followed.

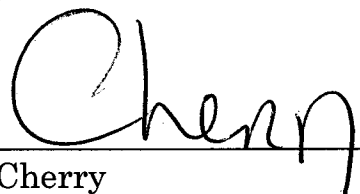
In his motion, appellant claimed that his sentence was illegal because: (1) the judgment did not identify itself as a "judgment of sentence" or "judgment of conviction," but simply as "judgment"; (2) the master code docket list is missing; (3) the judgment failed to cite to the statute of the escape offense; and (4) the judgment failed to provide facts of the escape. Appellant claimed that this judgment has a negative impact on his current incarceration.


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). "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.'" Id. (quoting Allen v. United States, 495 A.2d 1145, 1149 (D.C. 1985)).


Our review of the record on appeal reveals that the district court did not err in denying the motion. Appellant's claims fell outside the scope of claims permissible in a motion to correct an illegal sentence. Appellant's sentence was facially legal, and appellant failed to demonstrate that the district court was not a competent court of jurisdiction. NRS 193.140; NRS 212.090(2). Therefore, we affirm the order of the district court.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
Cherry, J.

  
Saitta, J.

  
Gibbons, J.

cc: Hon. Robert H. Perry, District Judge  
John Stinchfield  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk