

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL PROVENZANO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54205

**FILED**

APR 07 2010

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 appellant's May 26, 2009, motion to correct illegal sentence. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

A review of the record reveals that the district court did not err in denying the motion. Appellant's sentence was facially legal. NRS 193.330; NRS 200.364; NRS 200.366. Appellant's claim that the district court lacked jurisdiction because the statute of limitations barred his prosecution was without merit. An indictment for a charge of sexual assault of a child must be found before the child reaches 21. NRS 171.095(b)(1). As the victim was 13 when the indictment was found, appellant failed to demonstrate that the district court was without jurisdiction to impose a sentence in this case. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996); Melvin v. Sheriff, 92 Nev. 146, 147, 546

P.2d 1249, 1295 (1976), overruled on other grounds by Hubbard v. State,  
112 Nev. 946, 920 P.2d 991 (1996). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. Valerie Adair, District Judge  
Paul Provenzano  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk