

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GEORGE W. LUSTER, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74479

FILED

OCT 25 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

George W. Luster, Jr., appeals from an order of the district court denying a motion to correct an illegal sentence filed on October 18, 2017.¹ Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.

In his motion, Luster claimed his sentence was illegal because the district court lacked jurisdiction to sentence him. Specifically, he claimed the district court lacked jurisdiction to sentence him because he was convicted of first-degree murder, and absent a stipulation from the parties, he was required to be sentenced by the trial jury. *See* NRS 175.552(1)(a), (2). Luster failed to demonstrate his sentence was facially illegal or the district court lacked jurisdiction to sentence him. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Transcripts reflect that on the day the verdict was read, the parties indicated they had

¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

stipulated to Luster being sentenced by the trial judge. Therefore, we conclude the district court did not err by denying Luster's motion, and we

ORDER the judgment of the district court AFFIRMED.

Silver, C.J.
Silver

Tao, J.
Tao

Gibbons, J.
Gibbons

cc: Hon. Carolyn Ellsworth, District Judge
George W. Luster, Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk