

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GILBERTO CARILLO, JR., A/K/A  
GILBERTO CARRILLO, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 74593

**FILED**

JAN 31 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Gilberto Carillo, Jr., appeals from an order of the district court denying a motion to correct an illegal sentence, filed on October 10, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.

Carillo claimed the district court was without jurisdiction to convict him because the laws reproduced in the Nevada Revised Statutes do not contain enacting clauses as required by the Nevada Constitution, the statute authorizing creation of the Nevada Revised Statutes improperly contained more than one subject, the commission that made recommendations regarding the creation of the Nevada Revised Statutes during the 1950s was not lawful, and the Nevada Revised Statutes were not enacted by the Legislature.

A motion to correct an illegal sentence, however, 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

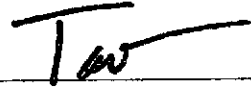
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<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

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)). Carillo's claims fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence because they did not implicate the jurisdiction of the district court, see Nev. Const. art. 6, § 6; NRS 171.010, and his sentences totaling 30 years to life in prison are facially legal, see 1995 Nev. Stat., ch. 455, § 1, at 1431 (NRS 193.165(1)); NRS 200.030(4)(b)(2); NRS 200.320(2)(a). Accordingly, we conclude the district court did not err by denying Carillo's motion, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, A.C.J.  
Douglas

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

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