

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRETT DAGAN JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82099-COA

FILED

JUN 08 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Brett Dagan Jones appeals from an order of the district court denying a motion to correct an illegal sentence filed on August 24, 2020. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

Jones contends the sentencing court lacked subject matter jurisdiction to sentence him because only a jury had statutory authority to sentence him. A motion to correct an illegal sentence is limited to claims that a sentence is “at variance with the controlling sentencing statute” or the sentencing court acted without jurisdiction. *Edwards v. State*, 112 Nev. 704, 408, 918 P.2d 321, 324 (1996). Such a motion “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.* (internal quotation marks omitted).

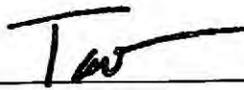
Jones’ claim was a challenge to the proceedings leading to the imposition of sentence and, accordingly, was outside the scope of claims permissible in a motion to correct an illegal sentence. Moreover, as a separate and independent ground to deny relief, his claims did not implicate the jurisdiction of the courts. *See Nev. Const. art. 6, § 6(1); NRS 171.010; Landreth v. Malik*, 127 Nev. 175, 183, 251 P.3d 163, 168 (2011) (“Subject

matter jurisdiction is the court's authority to render a judgment in a particular category of case." (internal quotation marks omitted)).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jerry A. Wiese, District Judge
Brett Dagan Jones
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk