

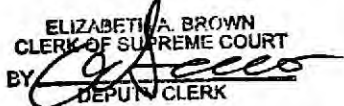
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TREVOR JAY SARNOWSKI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83106-COA

FILED

NOV 24 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Trevor Jay Sarnowski appeals from an order of the district court denying a motion to correct an illegal sentence filed on March 9, 2021. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

Sarnowski claimed his convictions that resulted from the State's amended indictment were illegal because those charges were not presented to the grand jury and, therefore, the court lacked jurisdiction. Motions to correct an illegal sentence are interpreted narrowly and must demonstrate the sentence is facially illegal or the district court lacked jurisdiction. *See 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.* (internal quotation marks omitted). Sarnowski's claims challenged alleged errors that occurred prior to the imposition of sentence and are thus outside the scope of a motion to correct an illegal sentence. Therefore, we conclude the

district court did not err by denying Sarnowski's motion to correct an illegal sentence. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jerry A. Wiese, District Judge
Trevor Jay Sarnowski
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk