

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRENDAN DUNCKLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83867-COA

FILED

JUN 13 2022

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

ORDER OF AFFIRMANCE

Brendan Dunckley appeals from an order of the district court denying a motion to correct an illegal sentence filed on December 24, 2020. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.


In his motion, Dunckley claimed the amended information was defective because the State did not obtain a written report from the victim before her 21st birthday and the State did not generate a police report. Dunckley further claimed the statute of limitations had expired as a result and the district court did not obtain jurisdiction over him.

Dunckley's claims fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Criminal statutes of limitation are not jurisdictional; they are affirmative defenses that must be raised in the trial court. *Hubbard v. State*, 112 Nev. 946, 948, 920 P.2d 991, 993 (1996). Therefore, without considering the merits of any of the claims raised

in the motion, we conclude that the district court did not err by denying the motion.¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Connie J. Steinheimer, District Judge
Brendan Dunckley
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹The district court erred by denying Dunckley's motion on the merits. We nevertheless affirm because it reached the correct conclusion. See *Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970).