


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHARLES ADAM TABOR,
Appellant,
vs.
ISIDRO BACA, WARDEN OF THE
WARM SPRINGS CORRECTIONAL
CENTER OF THE NEVADA
DEPARTMENT OF CORRECTIONS;
AND THE STATE OF NEVADA,
Respondents.

No. 82424-COA

FILED

DEC 15 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Charles Adam Tabor appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus filed on January 13, 2020, and an amended petition filed on April 24, 2020. Ninth Judicial District Court, Douglas County; Nathan Tod Young, Judge.

Tabor argues the district court erred by dismissing his claim that his sentence is illegal because the sentencing court failed to articulate factual findings in support of the deadly weapon enhancement as required by NRS 193.165 and *Mendoza-Lobos v. State*, 125 Nev. 634, 218 P.3d 501 (2009). Tabor's claim neither challenged the validity of his guilty plea nor alleged that counsel rendered ineffective assistance. Tabor's claim thus fell outside the scope of claims permissible in a postconviction petition for a writ of habeas corpus challenging a judgment of conviction entered pursuant to a guilty plea. See NRS 34.810(1)(a).

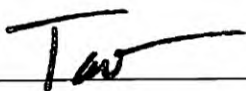
Tabor also appears to argue that the district court erred by failing to grant his motion to construe his pleadings as a motion to correct an illegal sentence pursuant to NRS 176.555. Tabor did not allege that his sentence was facially illegal but rather alleged that errors occurred at

sentencing. Accordingly, his claims were outside the scope of a motion to correct an illegal sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, Tabor failed to demonstrate the district court erred by not construing his pleadings as a motion to correct an illegal sentence.

Because Tabor's claim was outside the scope of both a postconviction petition for a writ of habeas corpus and a motion to correct an illegal sentence, we conclude the district court did not err by dismissing the claim,¹ and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Nathan Tod Young, District Judge
Silver State Law LLC
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

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