

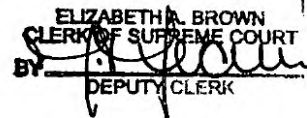
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRETT ADAM DOYLE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85536-COA

FILED

MAR 30 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Brett Adam Doyle appeals from an order of the district court denying a motion to correct an illegal sentence filed on September 7, 2022. Second Judicial District Court, Washoe County; Tammy Riggs, Judge.

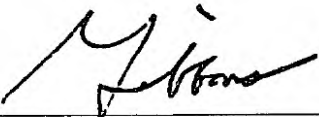
Doyle contends that the district court erred by denying his motion to correct an illegal sentence without conducting an evidentiary hearing. A motion to correct an illegal sentence may only challenge the facial legality of the sentence: either the district court was without jurisdiction to impose a sentence or the sentence was imposed in excess of the statutory maximum. *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). To warrant an evidentiary hearing, a defendant must raise claims supported by specific factual allegations that are not belied by the record and, if true, would entitle him to relief. *See Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).

In his motion, Doyle claimed the district court did not have subject matter jurisdiction to impose its sentence and his sentence was at variance with the controlling sentencing statutes because the Nevada Revised Statutes have no connection to the Statutes of Nevada. Doyle's claims did not implicate the jurisdiction of the courts. *See Nev. Const. art.*

6, § 6(1); *United States v. Cotton*, 535 U.S. 625, 630 (2002) (stating “the term jurisdiction means . . . the courts’ statutory or constitutional *power* to adjudicate the case” (internal quotation marks omitted)). Moreover, Doyle failed to demonstrate the Nevada Revised Statutes have no connection to the Statutes of Nevada. The actual laws of Nevada are contained in the Statutes of Nevada, and the Nevada Revised Statutes reproduce those laws as classified, codified, and annotated by the Legislative Counsel. See NRS 220.120. We also note that the law creating the Nevada Revised Statutes was properly enacted. See 1957 Nev. Stat., ch. 2, §§ 1-9, at 1-4. Therefore, we conclude the district court did not err by denying Doyle’s motion without conducting an evidentiary hearing.

Doyle also contends that the State and district court mischaracterized, or made false statements regarding, the claims raised in his motion to correct an illegal sentence. Having concluded that the district court did not err by denying the motion, Doyle fails to demonstrate these alleged errors affected his substantial rights. See NRS 178.598 (“Any error, defect, irregularity or variance which does not affect substantial rights shall be disregarded.”). Therefore, we conclude Doyle is not entitled to relief on these claims. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Tammy Riggs, District Judge
Brett Adam Doyle
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk