

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALEXANDER RYAN JENSEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86490-COA

FILED

OCT 11 2023

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

ORDER OF AFFIRMANCE

Alexander Ryan Jensen appeals from an order of the district court denying a motion to correct an illegal sentence filed on March 14, 2023. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

In his motion, Jensen claimed the sentencing court did not have jurisdiction to impose his sentence. Jensen appeared to claim that NRS 171.010 is the sole source of the sentencing court's authority to impose a sentence under the Nevada Revised Statutes and that the "statutory source law" of NRS 171.010, section 58 of the Criminal Practice Act of 1911, was repealed in 1957 as part of Senate Bill 2.

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). Jensen did not allege that his sentence exceeded the statutory maximum.

Further, Jensen failed to demonstrate that the sentencing court lacked jurisdiction to impose his sentence. While the laws in effect prior to

1957 were repealed in 1957, they were simultaneously reenacted as the Nevada Revised Statutes in the same senate bill. *See* 1957 Nev. Stat., ch. 2, §§ 1, 3, at 1-2. And the simultaneous repeal of NRS 171.010's source law would not have affected its validity. *See* 1957 Nev. Stat., ch. 2, § 4(2), at 2 ("The provisions of Nevada Revised Statutes as enacted by this act shall be considered as substituted in a continuing way for the provisions of the prior laws and statutes repealed by section 3 of this act."). Therefore, we conclude the district court did not err by denying Jensen's motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Scott N. Freeman, District Judge
Alexander Ryan Jensen
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk