

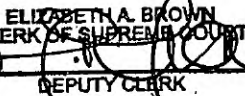
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTONIO ORNELAS ENRIQUEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86504-COA

FILED

OCT 26 2023

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

ORDER OF AFFIRMANCE

Antonio Ornelas Enriquez appeals from an order of the district court denying a motion to correct an illegal sentence filed on March 22, 2023. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

In his motion, Enriquez claimed the sentencing court did not have jurisdiction to impose his sentence. Enriquez 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Statutes and that the "statutory source law" of NRS 171.010, section 58 of the Criminal Practice Act of 1911, was repealed in 1957 as part of Senate Bill 2.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). Enriquez did not allege that his sentence exceeded the statutory maximum.

Further, Enriquez 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prior to 1957 were repealed in 1957, they were simultaneously reenacted as the Nevada Revised Statutes in the same senate bill.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by this act shall be considered as substituted in a continuing way for the provisions of the prior laws and statutes repealed by section 3 of this act.").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 Enriquez's motion.

On appeal, Enriquez argues the district court erred because (1) it did not articulate its reasoning for denying the motion; (2) it did not consider his motion for enlargement of time or his reply to the State's opposition; and (3) it relied on the State's opposition, which mischaracterized his motion as a postconviction habeas petition. Enriquez also argues the cumulative effect of these errors violated his due process rights. As previously discussed, Enriquez did not demonstrate the district court was without jurisdiction to impose his sentence or that the sentence imposed exceeded the statutory maximum. Therefore, we conclude Enriquez is not entitled to relief on these claims. *See* NRS 178.598 ("Any error, defect, irregularity or variance which does not affect substantial rights shall be disregarded."). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Tierra Danielle Jones, District Judge
Antonio Ornelas Enriquez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk