

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEFFREY SCOTT EATHERLY, A/K/A  
JEFFREY SCOTT EATHERLY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 86565-COA

**FILED**

DEC 20 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
*E. A. Brown*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Jeffrey Scott Eatherly 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 and supporting memorandum, Eatherly sought to vacate his sentences because he alleged the sentencing court lacked jurisdiction to impose them. Specifically, he claimed that: Senate Bill 2 from 1957, which adopted the Nevada Revised Statutes, was not properly passed; the Legislature improperly delegated its power to the Statute Revision Committee and the Legislative Counsel Bureau; there is a conflict between Senate Bill 2 from 1957 and NRS 220.170; NRS 171.010 lacks any statutory source within the Statutes of Nevada; and prior decisions of the Nevada Supreme Court have been proven incorrect regarding whether the Nevada Revised Statutes are prima facie evidence of the laws of Nevada.

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,

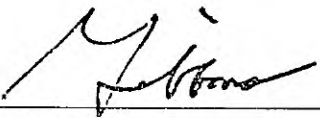
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324 (1996). And such a motion “presupposes a valid conviction.” *Id.* (quotation marks omitted).


Although Eatherly purports to challenge the district court’s jurisdiction only insofar as it pertains to his sentencing, his arguments implicate the validity of Nevada’s entire statutory scheme and, thus, the validity of his conviction. Therefore, Eatherly’s claims are outside the scope of claims allowed in a motion to correct illegal sentence, and we conclude the district court did not err by denying Eatherly’s motion.

On appeal, Eatherly argues the district court order fails to provide sufficient factual findings and conclusions of law in support of its decision to deny his motion. The district court’s order denying the motion contains sufficient information to permit this court to appropriately review its decision on appeal. Moreover, as previously discussed, the district court properly denied Eatherly’s motion. Therefore, any failure to include additional findings or conclusions in the order denying the motion was harmless. *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  
Jeffrey Scott Eatherly  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk