

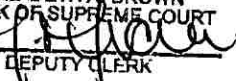
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT DEWAYNE SIOW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86553-COA

FILED

JAN 12 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Robert Dewayne Siow 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; Michelle Leavitt, Judge.

In his motion, Siow sought to vacate his sentence because he alleged the sentencing court lacked jurisdiction to impose it. Specifically, he claimed that NRS 171.010 lacks any statutory source within the Statutes of Nevada because the statutory source was repealed by Senate Bill 2 from 1957.

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

Although Siow 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, Siow’s claims are outside the scope of

claims allowed in a motion to correct an illegal sentence, and without considering the merits of his claims, we conclude the district court did not err by denying Siow's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Michelle Leavitt, District Judge
Robert Dewayne Siow
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk