

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ERIC SHED BRANDON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 86595-COA

**FILED**

JAN 12 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Eric Shed Brandon appeals from an order of the district court denying a motion to correct an illegal sentence filed on March 27, 2023. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

In his motion, Brandon sought to vacate his sentences because the district court lacked jurisdiction to sentence him since NRS 171.010 lacks any statutory source within the Statutes of Nevada.<sup>1</sup> Thus, Brandon claimed NRS 171.010 is not prima facie evidence of any law, is invalid, and does not give the district court subject matter jurisdiction over him. 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 Brandon purports to challenge the district court’s jurisdiction only insofar as it pertains to his sentencing, his arguments

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<sup>1</sup>NRS 171.010 gives jurisdiction to the State of Nevada over public offenses committed in the State of Nevada, except those “where it is by law cognizable exclusively in the courts of the United States.”

implicate the jurisdiction of the district court over his crimes as well as his sentencing. Thus, Brandon's claims necessarily challenge the validity of his conviction. Therefore, Brandon'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 Brandon's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Mary Kay Holthus, District Judge  
Eric Shed Brandon  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk