

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ELI VIRGIL JAMES PEDERSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 87105-COA

**FILED**

JAN 12 2024

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

*ORDER OF AFFIRMANCE*

Eli Virgil James Pederson appeals from an order of the district court denying a motion to correct an illegal sentence filed on April 17, 2023. Second Judicial District Court, Washoe County; Lynne K. Jones, Judge.

In his motion, Pederson 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, Pederson 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 Pederson purports to challenge the district court’s jurisdiction only insofar as it pertains to his sentencing, his arguments implicate the jurisdiction of the district court over his crimes as well as his

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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.”

sentencing. Thus, Pederson's claims necessarily challenge the validity of his conviction. Therefore, Pederson'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 Pederson's motion.

On appeal, Pederson claims the district court colluded with the State and showed a hostile and biased attitude toward him, ostensibly because the district court denied his motion. Pederson has not demonstrated that the district court colluded with the State. Further, he has not demonstrated that the district court's decision was based on knowledge acquired outside of the proceedings, and the decision does not otherwise reflect "a deep-seated favoritism or antagonism that would make fair judgment impossible." *Canarelli v. Eighth Judicial Dist. Court*, 138 Nev. 104, 107, 506 P.3d 334, 337 (2022) (quotation marks omitted); see *In re Petition to Recall Dunleavy*, 104 Nev. 784, 789, 769 P.2d 1271, 1275 (1988) (providing that rulings made during official judicial proceedings generally "do not establish legally cognizable grounds for disqualification"); see also *Rivero v. Rivero*, 125 Nev. 410, 439, 216 P.3d 213, 233 (2009) (stating that the burden is on the party asserting bias to establish sufficient factual grounds for disqualification), *overruled on other grounds by Romano v. Romano*, 138 Nev. 1, 6, 501 P.3d 980, 984 (2022). Therefore, Pederson is not entitled to relief on this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Lynne K. Jones, District Judge  
Eli Virgil James Pederson  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk