

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER ORMON SMITH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87100-COA

FILED

APR 10 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
B. [Signature]
DEPUTY CLERK

ORDER OF AFFIRMANCE

Christopher Ormon Smith appeals from an order of the district court denying a “motion to correct illegal sentence by fraudulent contract, charging document, judgment of conviction and plea deals under rescission” filed on June 27, 2023. Eighth Judicial District Court, Clark County; Carli Lynn Kierny, Judge.

In his motion, Smith claimed Senate Bill 182 (S.B. 182), which was enacted in 1951 and created a commission for revision and compilation of Nevada laws,¹ was unconstitutional because it allowed Nevada Supreme Court justices to sit on the commission. Smith further claimed that “all acts derived from S.B. 182,” such as charging documents and judgments of conviction, hold no authority because S.B. 182 is unconstitutional. Smith appears to have claimed that his judgment of conviction was defective and should be rescinded due to fraudulent inducement.

¹See 1951 Nev. Stat., ch. 304, §§ 1-17, at 470-72.

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). Smith’s claims challenged the validity of his conviction. Therefore, Smith’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 Smith’s motion.

On appeal, Smith contends the district court erred by holding a hearing on his motion without his being present. The record indicates the district court did not hold a hearing on Smith’s motion. Rather, on July 18, 2023, the district court issued a minute order from chambers with no parties present that denied the motion and vacated the July 19, 2023, hearing. Therefore, Smith fails to demonstrate he is entitled to relief on this claim.

Smith also contends the district court erroneously renamed or misrepresented his motion. In his motion, Smith stated the motion was being brought “pursuant to NRS 176.555 and *Edwards VS. State.*” Therefore, the district court properly construed Smith’s motion as a motion to correct an illegal sentence, *see* NRS 176.555 (stating “[t]he court may correct an illegal sentence at any time”), and we conclude Smith is not entitled to relief on this claim.

Smith also contends that he was deprived of a duly elected judge and that an unlicensed lawyer failed to notify him of the facts in his

pleading. Smith does not cogently argue these claims for relief; therefore, we decline to consider them. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (stating this court need not consider an argument that is not cogently argued or supported by relevant authority). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Carli Lynn Kierny, District Judge
Christopher Ormon Smith
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²Smith filed a document entitled “Judicial Notice” on April 2, 2024. Although Smith did not file proof of service of this document, we have considered the document and conclude no relief based upon this submission is warranted.