

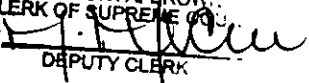
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEFF ADAM REVAL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 89371-COA

**FILED**

**JUN 03 2025**

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

*ORDER OF AFFIRMANCE*

Jeff Adam Reval appeals from a district court order denying a motion to modify or correct an illegal sentence filed on April 5, 2024. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

On appeal, Reval contends (1) ameliorative changes to the statutes and deadly weapon enhancement under which he was sentenced, as well as the subsequent addition of required findings for imposition of the deadly weapon enhancement, render his sentences and enhancements illegal; (2) some of his convictions were redundant; (3) two offenses were listed under a single count; (4) the sentencing court conflated his criminal history with that of his codefendant and an unrelated individual, Pedro Reval; (5) the evidence introduced at trial did not establish his guilt and may have pointed to Pedro Reval as well; and (6) the judgment of conviction does not contain information required by NRS 176.105 concerning parole eligibility.

“[A] motion to modify a sentence is limited in scope to sentences based on mistaken assumptions about a defendant’s criminal record which work to the defendant’s extreme detriment.” *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). 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. *Id.* “A motion to correct an illegal sentence presupposes a valid conviction and may not, therefore, be used to challenge alleged errors in proceedings that occur prior to the imposition of sentence.” *Id.* (internal quotation marks omitted).

As to Reval’s first contention, “[i]t is well established that under Nevada law, the proper penalty is the penalty in effect at the time of the commission of the offense and not the penalty in effect at the time of sentencing.”<sup>1</sup> *State v. Second Jud. Dist. Ct. (Pullin)*, 124 Nev. 564, 567, 188 P.3d 1079, 1081 (2008). Here, Reval was convicted, pursuant to a jury verdict, of burglary, grand larceny, robbery with the use of a deadly weapon, second-degree kidnapping with the use of a deadly weapon, and sexual assault with the use of a deadly weapon. The offenses occurred in 1986, and the sentences and enhancements imposed were within the sentencing parameters in effect at the time.<sup>2</sup> *See* 1983 Nev. Stat., ch. 244, § 1, 547;

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<sup>1</sup>Reval also contends there are exceptions to the general rule that crimes are punishable by the penalty in effect at the time of their commission. However, he cites no binding authority indicating such an exception applies here or calling *Pullin* into doubt.

<sup>2</sup>The district court sentenced Reval to prison terms of 2, 4, and 10 years for his burglary convictions; 2 and 10 years for his grand larceny convictions; 15 years for the robbery convictions with an equal and consecutive 15 year sentence for the deadly weapon enhancements; 10 years for second-degree kidnapping with an equal and consecutive 10 year term for the deadly weapon enhancement; 20 years for one sexual assault conviction with an equal and consecutive 20 year term for the deadly weapon enhancement; and life for the remaining sexual assault conviction with an equal and consecutive life term for the deadly weapon enhancement.

1983 Nev. Stat., ch. 294, § 2, 717-18; 1981 Nev. Stat., ch. 780, § 1, at 2050; 1979 Nev. Stat., ch. 655, § 33.5, at 1425; 1977 Nev. Stat., ch. 598, § 3, at 1626-27; 1967 Nev. Stat., ch. 211, § 59, at 470-71. Accordingly, Reval fails to demonstrate the sentences exceeded the statutory maximum.

As to Reval's argument that the sentencing court failed to state on the record it had considered the factors required by NRS 193.165(1), this claim falls outside the scope of a motion to modify or correct an illegal sentence because it does not challenge the facial legality of his sentence nor allege any mistaken assumptions about his criminal record that worked to his extreme detriment. Further, no such findings were required at the time Reval committed the underlying offenses. *See* 1981 Nev. Stat., ch. 780, § 1, at 2050. Accordingly, we conclude the district court did not err by denying the motion in this respect.

Second, Reval asserts some of his convictions were redundant. This contention falls outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. Therefore, the district court did not err in denying the motion on this ground.

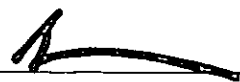
Third, Reval asserts that both burglary and grand larceny were charged in Count VII according to the judgment of conviction and that he received an additional sentence due to this error. A typographical error on the first page of the judgment of conviction describes Count VII of the indictment as both burglary and grand larceny. However, the record before us clearly indicates Count VII charged burglary and the district court sentenced Reval for burglary. As discussed above, the sentence imposed did not exceed the statutory maximum and the judgment of conviction does not indicate that Reval received an additional sentence on Count VII.


Therefore, the district court did not err in denying the motion on this ground.


Reval's remaining arguments about conflating his criminal history with the history of his codefendant or another similarly named individual, the evidence supporting the verdict, and the failure to provide parole eligibility information in the judgment of conviction were not raised in the motion below. Thus, we decline to consider them for the first time on appeal. *See State v. Wade*, 105 Nev. 206, 209 n.3, 772 P.2d 1291, 1293 n.3 (1989). Further, although Reval mentioned the argument regarding his criminal history briefly in the reply brief, he did not identify any portions of the record that support his contention, and a review of the sentencing transcript does not reveal any confusion about Reval's criminal history. Additionally, Reval's challenges to the evidence supporting his convictions and failure to provide parole eligibility information in the judgment of conviction also fell outside the scope of a motion to modify or correct an illegal sentence.

Having considered Reval's contentions and concluding they lack merit, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Kathleen M. Drakulich, District Judge  
Jeff Adam Reval  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk