

Ronny D Powe # 1123457
Warm Springs Correctional Center
P.O. Box 7007
Carson City, Nevada 89702

FILED

APR 27 2020

IN THE NEVADA SUPREME COURT

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY D. Richards
DEPUTY CLERK

RONNY DARROW POWE
Appellant

Vs.

THE STATE OF NEVADA
Respondent

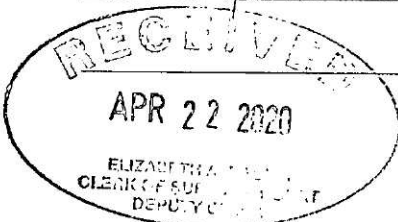
Case No. NSC # 79043
Dept No. _____

PETITION FOR REVIEW BY THE NEVADA SUPREME COURT

Please take notice that RONNY DARROW POWE, Appellant, and in his proper person, hereby appeals to the Nevada State Supreme Court pursuant to NRAP 17(a)(2), the judgment(s) in the above-entitled action(s) entered in this Honorable Court on or about the 20th day of April, 2020. This notice of Appeal is timely filed pursuant to NRAP 4(b).

(Petition must state the question(s) presented for review)

Under Nevada court rules, the court has the burden of proving and showing that a deadly weapon was indeed a "deadly weapon." If in my case, my court proceedings, this burden was not met; why was I given a weapons enhancement.?



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(Petition must state the reason(s) review is warranted)

Review should be warranted due to the fact that, the burden of proving an actually deadly weapon was never met. The lower courts have not acted in a proper manner, refusing to correct a judicial wrong. Only the Supreme Court of Nevada with its power and authority can un-ring this bell of injustice.

CERTIFICATE OF MAILING

I, Ronny D. Powe, certify under the penalties of perjury, that service was made of this PETITION FOR REVIEW BY THE NEVADA SUPREME COURT, pursuant to NRCP 5(b), by placing same in the United States mail, postage prepaid and addressed as follows:

Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

(Copy to)

Supreme Court of Nevada
office of the clerk
201 S. Carson St., Suite 201
Carson City, NV. 89701

DATED this 20th day of April, 20 20

BY: RPowe #173457

Appellant, In Proper Person
Warm Springs Correctional Center
P.O. Box 7007
Carson City, Nevada 89702

13 copies

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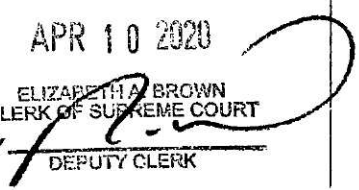
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RONNY DARROW POWE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79043-COA

FILED

APR 10 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

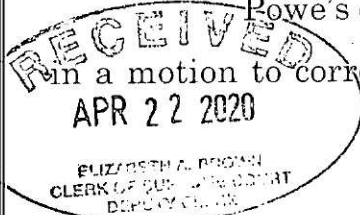
ORDER OF AFFIRMANCE

Ronny Darrow Powe appeals from a district court order denying a motion to correct an illegal sentence filed on April 1, 2019. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Powe claimed that his sentence was illegally enhanced because the State failed to prove that the weapon supporting the deadly weapon finding was a deadly weapon as defined by NRS 193.165(6) and NRS 202.253(2).

NRS 176.555 states a district "court may correct an illegal sentence at any time." A motion to correct an illegal sentence, however, 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). "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).

Powe's claim fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence because it did not implicate the




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jurisdiction of the district court, *see* Nev. Const. art. 6, § 6; NRS 171.010, and his sentence is facially legal, *see* NRS 193.165(1); NRS 200.320(2)(a). Accordingly, we conclude the district court did not err by denying his motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Michelle Leavitt, District Judge
Ronny Darrow Powe
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk