

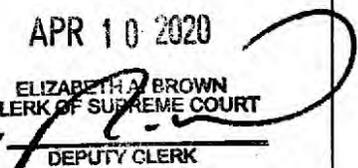
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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.

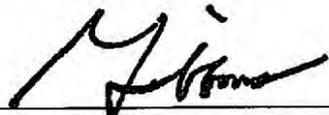
Powe claimed that his sentence was illegally enhanced because the State failed to prove that the weapon supporting the deadly weapon finding was a deadly weapon as defined by NRS 193.165(6) and NRS 202.253(2).

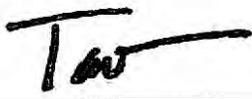
NRS 176.555 states a district “court may correct an illegal sentence at any time.” A motion to correct an illegal sentence, however, may only challenge the facial legality of the sentence; either the district court was without jurisdiction to impose a sentence or the sentence was imposed in excess of 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

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