

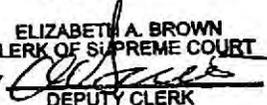
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HAWK RIVERZ URBAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82136-COA

FILED

JUN 09 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Hawk Riverz Urban appeals from an order of the district court denying a motion to correct illegal sentence. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

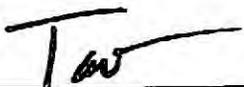
Urban argues that the district court erred by denying his motion. In his September 15, 2020, motion, Urban claimed that the district court lacked jurisdiction to convict him because Nevada was not properly admitted into the United States and therefore its laws are invalid. Urban also contended that the district court lacked jurisdiction to convict him because the Nevada Revised Statutes were not properly enacted.

A motion to correct an illegal sentence may only challenge the facial legality of the sentence. *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). “An illegal sentence” is “one at variance with the controlling sentencing statute, or illegal in the sense that the court goes beyond its authority by acting without jurisdiction or imposing a sentence in excess of the statutory maximum provided.” *Id.* (internal quotation marks omitted). “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). Urban’s claims fell outside the narrow scope of

claims permissible in a motion to correct an illegal sentence because they did not implicate the jurisdiction of the district court, *see* Nev. Const. art. 6, § 6(1); NRS 171.010; *United States v. Cotton*, 535 U.S. 625, 630 (2002) (“[T]he term jurisdiction means . . . the courts’ statutory or constitutional *power* to adjudicate the case.” (internal quotation marks omitted)), and his 16-to-40-month prison sentence is facially legal, *see* NRS 200.481(2)(f). Accordingly, 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. Michael Montero, District Judge
Hawk Riverz Urban
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk