IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRYAN PHILLIP BONHAM,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84105-COA

FILED

JUN 02 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

BRYAN PHILLIP BONHAM,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

✓ No. 84280-COA

ORDER OF AFFIRMANCE

Bryan Phillip Bonham appeals from orders of the district court denying motions to correct an illegal sentence filed on December 2, 2021, in district court case no. C-15-307298-1 (Docket No. 84105) and on January 7, 2022, in district court case no. 08C244974 (Docket No. 84280), as well as related pleadings in each case. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge; Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Docket No. 84105

In his pleadings below, Bonham claimed the Nevada Revised Statutes are invalid and the district court did not have subject matter jurisdiction to impose a sentence against him.[1] A motion to correct an illegal

[1]To the extent Bonham's arguments challenge the validity of his judgment of conviction, they were outside the scope of a motion to correct

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.*

Bonham failed to demonstrate that his sentence was facially illegal. He did not allege his sentence was at variance with the controlling statute or that the court imposed a maximum sentence in excess of that allowed by the statute. Moreover, his claims did not implicate the district court's subject matter jurisdiction. *See* Nev. Const. art. 6, § 6(1); NRS 171.010; *Landreth v. Malik*, 127 Nev. 175, 183, 251 P.3d 163, 168 (2011) ("Subject matter jurisdiction is the court's authority to render a judgment in a particular category of case." (internal quotation marks omitted)). Therefore, we conclude the district court did not err by denying Bonham's motion.

Docket No. 84280

In his pleadings below, Bonham raised the same arguments as those presented in Docket No. 84150. However, the district court did not reach the merits of these motions. Rather, the district court determined Bonham had expired his sentence on April 27, 2011, and, thus, any issues related to his sentence were moot. Bonham does not challenge on appeal the district court's determination. To the extent the district court erred by denying the pleadings as moot, *see Knight v. State*, 116 Nev. 140, 144, 993 P.2d 67, 70 (2000) ("[C]ompletion of a defendant's sentence *may render* a challenge to the sentence itself moot." (emphasis added)), Bonham's claims would have failed for the same reasons discussed in relation to Docket No.

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an illegal sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996) (stating a motion to correct an illegal sentence cannot "be used as a vehicle for challenging the validity of a judgment of conviction").

84105. Therefore, we conclude the district court did not err by denying the motion,[2] and we

ORDER the judgments of the district court AFFIRMED.

_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Bulla

cc: Hon. Jacqueline M. Bluth, District Judge
Hon. Michelle Leavitt, District Judge
Bryan Phillip Bonham
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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[2]Bonham also challenges on appeal the district court's denial of his requests for the appointment of counsel, discovery, and an evidentiary hearing. No statute provides for the appointment of counsel for a motion to correct an illegal sentence, and Bonham has not demonstrated discovery is necessary. Accordingly, we conclude the district court did not err by denying these requests. Further, the district court did not err by denying his motion without an evidentiary hearing because he did not raise claims supported by specific factual allegations that are not belied by the record and, if true, would entitle him to relief. *Cf. Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).