

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EDDIE JAMES THOMAS, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84512-COA

FILED

JUL 12 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Eddie James Thomas, Jr., appeals from an order of the district court denying a motion to correct an illegal sentence. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

Thomas argues the district court erred by denying his February 8, 2022, motion. In his motion, Thomas claimed that the sentencing court should not have utilized one of his prior felony convictions to adjudicate him as a habitual criminal because that felony was introduced to the jury during his trial.

A motion to correct an illegal sentence is limited to claims that a sentence is “at variance with the controlling sentencing statute” or the sentencing court acted without jurisdiction. *Edwards v. State*, 112 Nev. 704, 408, 918 P.2d 321, 324 (1996). Such a motion “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).

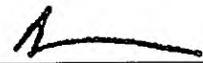
Thomas’ claim was a challenge to the proceedings leading to the imposition of sentence and, accordingly, was outside the scope of claims permissible in a motion to correct an illegal sentence. Moreover, as a

separate and independent ground to deny relief, Thomas did not allege that his sentence is at variance with the controlling sentencing statute, and his claim did not implicate the jurisdiction of the courts. 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 the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jerry A. Wiese, District Judge
Eddie James Thomas, Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk