

IN THE SUPREME COURT OF THE STATE OF NEVADA

HOWARD LEE WHITE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57265

FILED

JUN 08 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Ingersoll*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to vacate an illegal sentence.<sup>1</sup> Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

In his motion filed on September 10, 2010, appellant claimed that his sentence was illegal and should be vacated because when he was sentenced the district court did not affirm the jury's guilty verdict and did not sentence appellant on the primary offenses before sentencing him as a habitual criminal. Appellant failed to demonstrate that his sentence was facially illegal or that the district court lacked jurisdiction. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). We therefore

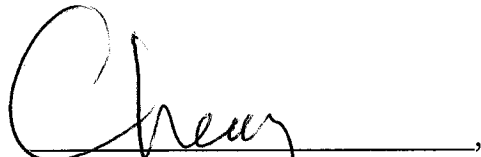
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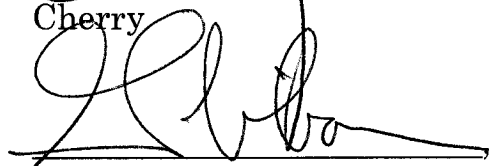
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

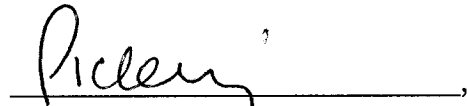
conclude that the district court did not err in denying appellant's motion.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Janet J. Berry, District Judge  
Howard Lee White  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk