

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAWRENCE A. POTTS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60537

FILED

OCT 08 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY D. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is a proper person appeal from an order of the district court denying a motion to correct an illegal sentence.¹ Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

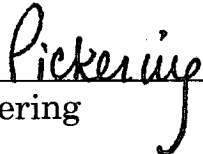
In his motion filed on November 29, 2011, appellant claimed he was not sentenced to his underlying crime prior to imposition of sentence for the habitual criminal enhancement and that the sentencing hearing violated his due process and equal protection rights. Appellant failed to demonstrate that his sentence was facially illegal and that the district court lacked jurisdiction. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). The district court properly sentenced appellant to only serve a term based on the habitual criminal enhancement. See Lisby v. State, 82 Nev. 183, 189-90, 414 P. 592, 595-96 (1966). We

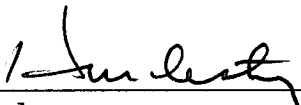
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

therefore conclude that the district court did not err in denying appellant's motion and we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Jerome T. Tao, District Judge
Lawrence A. Potts
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk