

IN THE SUPREME COURT OF THE STATE OF NEVADA

DOYLE CHASE BARNETT A/K/A
DOYLE CHASE BARNETT, III,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61838

FILED

MAY 13 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. 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 Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

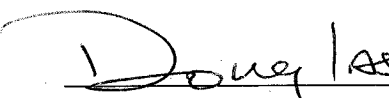
In his motion filed on July 25, 2012, appellant claimed that the habitual criminal enhancement violated *Apprendi v. New Jersey*, 530 U.S. 466 (2000) and *Blakely v. Washington*, 542 U.S. 296 (2004). Appellant failed to demonstrate that his sentence was facially illegal or that the district court lacked jurisdiction. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). This court has held that NRS 207.010 does not violate *Apprendi*. *See O'Neill v. State*, 123 Nev. 9, 16, 153 P.3d

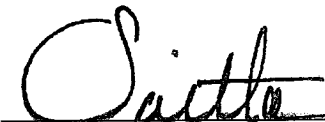
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

38, 43 (2007). We therefore conclude that the district court did not err in denying appellant's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Patrick Flanagan, District Judge
Doyle Chase Barnett
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk