

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREGORY SCOTT HERMANSKI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65616

FILED

DEC 11 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *S. Young*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order denying a motion to vacate habitual felon adjudication and sentence.¹ Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

In his motion filed on February 25, 2014, appellant claimed that he was improperly adjudicated a habitual felon because the prior convictions were never filed with the court. Preliminarily, we note that appellant's motion fell outside the scope of a motion to vacate. See NRS 176.515(5). To the extent that appellant sought to modify or correct an illegal sentence, appellant's claims fell outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence.² See

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 *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).


²We note that the transcript of the sentencing hearing clearly indicates that the district court was presented with the prior convictions at the time of the sentencing and his trial counsel indicated that he had in fact reviewed them. NRS 207.016(5) does not require proof of felony convictions to be filed to be considered by the court.

Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, without considering the merits of any of the claims raised in the motion, we conclude that the district court did not err in denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Gibbons


_____, J.
Pickering


_____, J.
Saitta

cc: Hon. Elissa F. Cadish, District Judge
Gregory Scott Hermanski
Attorney General/Carson City
Attorney General/Las Vegas
Clark County District Attorney
Eighth District Court Clerk

³We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.