

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH DON BARRETT, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65850

FILED

OCT 15 2014

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

KENNETH DON BARRETT, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65851

ORDER OF AFFIRMANCE

These are proper person appeals from an order denying a motion to correct an illegal sentence in district court case C73673 and a decision denying in part a motion to correct an illegal sentence in district court case C73702.¹ Eighth Judicial District Court, Clark County; Douglas Smith, Jessie Elizabeth Walsh, Judges.


In his motion filed on April 22, 2014, appellant claimed that his sentence in district court case C73702 was illegal. Appellant also appeared to claim that he was improperly given a habitual criminal sentence and deadly weapon enhancement in the same judgments of conviction in cases C73702 and C73673. In case C73702, the State agreed

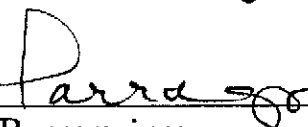
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975). We grant appellant's motion to consolidate the appeals for disposition.

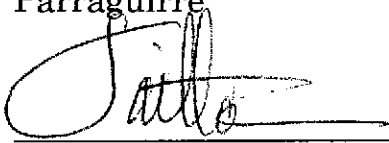
that appellant should be resentenced on count 2, and the district court amended the judgment of conviction in case C73702 on May 23, 2014. The motion was denied in all other respects.

Based upon our review of the record on appeal, we conclude that the district court did not err in the resolution of the motion. The sentence was properly corrected in case C73702. Appellant failed to otherwise demonstrate that his sentences were facially illegal or that the district court lacked jurisdiction. *See id.* Therefore, we conclude that the motions were correctly denied. Accordingly, we

ORDER the judgments of the district court AFFIRMED.²


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Douglas Smith, District Judge
Hon. Jessie Elizabeth Walsh, District Judge
Kenneth Don Barrett, Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We deny the motion to appoint counsel.