

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KENNETH LESLIE EMERSON, A/K/A
EMERSON LESLIE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67874

FILED

SEP 16 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from an order of the district court denying a motion to modify or correct an illegal sentence.¹ Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

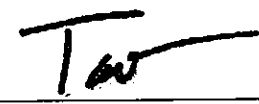
In his motion filed on March 16, 2015, appellant Kenneth Emerson claimed his sentence was illegal because the district court did not sentence him for his primary offense before enhancing his sentence under the habitual criminal statute. Emerson's claim fell outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. See *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, without considering the merits of any of the claims


¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude 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).

raised in the motion, we conclude the district court did not err in denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. William D. Kephart, District Judge
Kenneth Leslie Emerson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk