

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KYLE WARNER TURPIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67818

FILED

SEP 15 2015

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

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying a motion to modify sentence.¹ Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.


In his motion filed on February 26, 2015, appellant Kyle Warner Turpin claimed the district court failed to state the reasons for adjudicating him a habitual criminal, his sentence shocks the conscience, the district court improperly considered facts from the charges of which he was acquitted when imposing sentence, a lengthy sentence was imposed due to his race, and the district court vindictively sentenced him for exercising his right to a direct appeal. Turpin's claims fell outside the narrow scope of claims permissible in a motion to modify 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 raised in the motion,


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

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. Jessie Elizabeth Walsh, District Judge
Kyle Warner Turpin
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk