

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CARL ERIC KREHNOVI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73762

FILED

MAR 14 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Carl Eric Krehnovi appeals from a district court order denying the motion to modify or correct an illegal sentence he filed on March 16, 2017.¹ Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

In his motion, Krehnovi claimed his sentence for battery constituting domestic battery is illegal because it was enhanced twice: first, when it was raised from a misdemeanor to a felony under the domestic battery statute, *see* NRS 200.485(1)(c), and, second, when he was sentenced under the habitual criminal statute, *see* NRS 207.010(1)(a). He relies on *Barrett v. State*, 105 Nev. 361, 775 P.2d 1276 (1989), for the proposition that double enhancements are not permissible under Nevada law.


Krehnovi's claim lacks merit because, unlike in *Barrett*, his primary offense was not enhanced with a consecutive sentence imposed pursuant to an enhancement statute. *See id.* at 365, 775 P.2d at 1278. Moreover, the Nevada Supreme Court has previously determined that

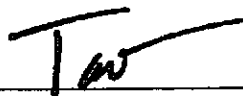
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

defendants who have been convicted under a statute with graduated enhancement provisions, such as NRS 200.485, may be adjudicated habitual criminals under NRS 207.010. *See Lader v. Warden*, 121 Nev. 682, 689 & n.25, 120 P.3d 1164, 1168 & n.25 (2005).

We conclude Krehnovi has not demonstrated that his sentence is facially illegal, the district court lacked jurisdiction to impose the sentence, or the district court relied upon mistaken assumptions about his criminal record that worked to his extreme detriment. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Accordingly, the district court did not err by denying Krehnovi's motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. William D. Kephart, District Judge
Carl Eric Krehnovi
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk