

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KEVIN BROOKS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74415

FILED

JUL 20 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE


Kevin Brooks appeals from an order of the district court denying the motion to correct an illegal sentence filed on September 7, 2017.¹ Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

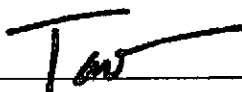
In his motion, Brooks claimed he was improperly sentenced as a habitual criminal because the prior crimes used to enhance his instant conviction were committed prior to the federal government allowing prior convictions from other states to be considered. He also claimed he did not have proper notice he could receive life without the possibility of parole at the time he committed his prior crimes, and the habitual criminal statute violated the Ex Post Facto clause of the United States and Nevada constitutions. Brooks' claims fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, without considering

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

the merits of any of the claims raised in the motion, we conclude the district court did not err by denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

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