

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KENNETH BERNARD FERGUSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 73580

**FILED**

JUL 27 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Kenneth Bernard Ferguson appeals from an order of the district court denying a “motion to modify or vacate illegal sentence.”<sup>1</sup> Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Ferguson argues the district court erred by denying his May 10, 2017, motion. In his motion, Ferguson claimed his sentence was illegal because the sentencing court failed to specify whether each term was imposed concurrently or consecutively to a previous term. Ferguson’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).

In addition, Ferguson failed to demonstrate that his sentence was facially illegal or the district court lacked jurisdiction. *See id.* Pursuant to NRS 176.035(1), the sentencing court properly set forth in the judgment of conviction whether each term was to be served consecutively or

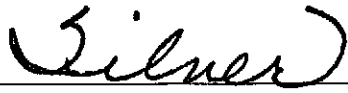
---

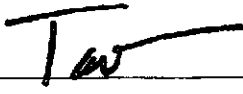
<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

18-901648

concurrently to the previous term. Therefore, we conclude the district court did not err by denying Ferguson's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Kathleen E. Delaney, District Judge  
Kenneth Bernard Ferguson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk