

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALAN DEMETRIUS DANIELS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75468-COA

FILED

MAR 20 2019

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

ORDER OF AFFIRMANCE

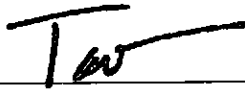
Alan Demetrius Daniels appeals from an order of the district court denying a “motion to correct disproportionality of sentence and to amend the judgment of conviction” filed on February 21, 2018.¹ Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

Daniels claimed the sentencing court improperly allowed him to stipulate to a habitual-felon status and his sentence was disproportionately larger than that of his codefendant. Daniels’ claims 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

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

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.²


_____, J.
Tao


_____, J.
Gibbons


_____, J.
Bulla

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

²A challenge to the validity of the judgment of conviction and sentence must be raised in a postconviction petition for a writ of habeas corpus filed in the district court in the first instance. We express no opinion as to whether Daniels could meet the procedural requirements of NRS Chapter 34.