

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ZEL NORMAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67939

**FILED**

NOV 19 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 correct and/or modify illegal sentence. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

In his motion filed on March 11, 2015, appellant Zel Norman claimed that his sentence is illegal and should be corrected or modified because the State never filed an amended information to include a habitual criminal allegation and the State failed to present evidence of his prior convictions at sentencing. Norman failed to demonstrate the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). He also failed to demonstrate that his sentence was facially illegal or the district court lacked jurisdiction. *See id.*

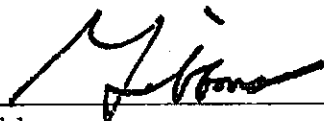
Even if it was error for the State to file a notice of habitual criminality, rather than amending the information to include a habitual criminal allegation, such an error did not affect Norman's substantial rights and did not deprive the district court of jurisdiction. *See LaChance v. State*, 130 Nev. \_\_\_, \_\_\_, 321 P.3d 919, 928 (2014). Further, the record belies Norman's claim that the State did not present evidence of his prior


convictions; copies of at least three prior felony convictions were attached to the State's brief in support of habitual criminal treatment that was filed in the district court prior to sentencing. Therefore, we conclude the district court did not err in denying these claims.

Norman also claimed that the district court abused its discretion by imposing consecutive sentences for his possession convictions and he was denied due process of law because the State did not comply with NRS 173.095(1), (3) and NRS 207.010(2). These claims fell outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. *See Edwards*, 112 Nev. at 708, 918 P.2d at 324. Therefore, without considering the merits of these claims, we conclude the district court did not err in denying them.

We conclude the district court did not err in denying the motion to correct and/or modify sentence. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Michael Villani, District Judge  
Zel Norman  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk