

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EDWARD CHARLES BARBER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67988

FILED

NOV 19 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying a motion to correct an illegal sentence.¹ Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

In his motion filed on February 25, 2015, appellant Edward Barber claimed his sentence was illegal because he pleaded guilty to leaving the scene of an accident rather than duty to stop at the scene of an accident involving death or personal injury. Therefore his sentence of 60 to 150 months in prison exceeded the possible statutory sentence of 12 to 72 months in prison. Barber failed to demonstrate that his sentence was facially illegal or the district court lacked jurisdiction. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Although the information, guilty plea agreement and judgment of conviction all say leaving the scene of an accident all three documents cite to NRS 484E.010 (duty to stop at the scene of an accident involving death or personal


¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

injury), and the information attached to the guilty plea agreement mirrored the language in NRS 484E.010(1). NRS 484E.010(3) provides that a person convicted under NRS 484E.010(1) shall be punished by imprisonment for a minimum of not less than 2 years and a maximum of not more than 15 years. Barber's term of 60 to 150 months in prison fell within the statutory parameters. Therefore, we conclude the district court did not err in denying Barber's motion, and we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

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

²We have reviewed all documents Barber has submitted in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Barber has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance.