

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIE SEAL LEWIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 69033

FILED

JUN 17 2016

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

*ORDER OF AFFIRMANCE*

This is a pro se appeal from an order of the district court denying a motion to modify or correct an illegal sentence.<sup>1</sup> Eighth Judicial District Court, Clark County; Richard Scotti, Judge.

Appellant argues that the district court erred in denying his September 17, 2015, motion. Specifically, appellant argues that the deadly weapon sentence enhancement was illegal pursuant to NRS 193.165(4) because use of a deadly weapon was a necessary element of the offense as charged—robbery with the use of a deadly weapon. Appellant's claim 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). The use of a deadly weapon is not a necessary element of the offense of robbery, *see* NRS 200.380(1), and the State properly set forth the deadly weapon enhancement with the robbery count as the deadly weapon enhancement does not create a separate offense, *see* NRS 193.165(3).

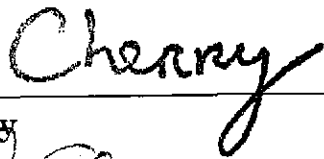
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<sup>1</sup>Having considered the pro se brief filed by appellant, we conclude that a response is not necessary. NRAP 46A(c). This appeal therefore has been submitted for decision based on the pro se brief and the record. *See* NRAP 34(f)(3).

Thus, appellant fails to demonstrate that his sentence was facially illegal. See *Edwards*, 112 Nev. at 708, 918 P.2d at 324. Therefore, we conclude that the district court did not err in denying the motion.<sup>2</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Cherry

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

cc: Hon. Richard Scotti, District Judge  
Willie Seal Lewis  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</sup>We decline to consider appellant's argument that the deadly weapon enhancement violates double jeopardy because appellant did not present that argument in the district court.