

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DARRIS TREMEL TAYLOR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78071-COA

FILED

DEC 27 2019

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

ORDER OF AFFIRMANCE

Darris Tremel Taylor appeals from an order of the district court denying the motion to correct an illegal sentence filed on December 21, 2018. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

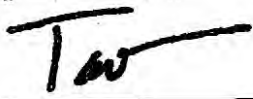
First, Taylor claimed that the district court lacked jurisdiction to sentence him as a habitual criminal because his third conviction for burglary was not final because that conviction was pending on appeal at the time of sentencing on his current conviction. Taylor's conviction for burglary was final for habitual criminal purposes because the judgment of conviction was signed by the district court judge and filed by the court clerk. *See Bradley v. State*, 109 Nev. 1090, 1095, 864 P.2d 1272, 1275 (1993) (a judgment of conviction is final when signed by the judge and entered by the clerk). Therefore, Taylor 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). Accordingly, we conclude the district court did not err by denying this claim.

Second, Taylor claimed his habitual criminal sentence was illegal because the State's notice of intent to seek habitual criminal treatment was improper. This claim challenged events that occurred prior

to the imposition of Taylor's sentence and thus was outside the scope of claims permissible in a motion to modify or correct an illegal sentence. *See id.* ("A motion to correct an illegal sentence . . . cannot, however, be used as a vehicle for challenging the validity of a judgment of conviction or sentence based on alleged errors occurring at trial or sentencing."). Therefore, we conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Darris Tremel Taylor
Attorney General/Carson City
Clark County District Attorney
Attorney General/Las Vegas
Eighth District Court Clerk