

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MYKEL TYREL BROWN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83047-COA

FILED

DEC 16 2021

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

ORDER OF AFFIRMANCE

Mykel Tyrel Brown appeals from an order of the district court denying a motion to modify or correct an illegal sentence filed on September 18, 2020. Eighth Judicial District Court, Clark County; Tara D. Clark Newberry, Judge.

In his motion, Brown claimed his conviction and sentence were illegal because the 2019 changes to the drug possession and trafficking laws mean that he could only be convicted and sentenced for a category C felony and not a category B felony. Brown did not allege that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. And Brown failed to demonstrate that his sentence was facially illegal or the district court lacked jurisdiction. Brown was convicted and sentenced pursuant to the statute in effect at the time he committed his crime, *see* NRS 453.3385 (2015), and Brown failed to demonstrate the Legislature intended that the changes made in 2019 would apply retroactively, *see State v. Second Judicial Dist. Court (Pullin)*, 124 Nev. 564, 567, 188 P.3d 1079, 1081 (2008). Therefore, we conclude the

district court did not err by denying Brown's motion, *see Edwards v. State*,
112 Nev. 704, 708, 918 P.2d 321, 324 (1996), and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Tara D. Clark Newberry, District Judge
Mykel Tyrel Brown
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk