

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRYANT KEITH MONROE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 88897-COA

**FILED**

**AUG 21 2025**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Bryant Keith Monroe appeals from a judgment of conviction, entered pursuant to a guilty plea, of possession, with the intent to sell, of a schedule I or II controlled substance, first offense. Second Judicial District Court, Washoe County; Kathleen A. Sigurdson, Judge.

Monroe argues the district court abused its discretion by adjudicating him a habitual criminal because his prior convictions were nonviolent, stale, and trivial. “Adjudication of a defendant as a habitual criminal is subject to the broadest kind of judicial discretion.” *LaChance v. State*, 130 Nev. 263, 276, 321 P.3d 919, 929 (2014) (internal quotation marks omitted). “In determining if a finding of habitual criminal is proper, this court looks to the record as a whole to determine whether the sentencing court actually exercised its discretion.” *Id.* at 277, 321 P.3d at 929 (internal quotation marks omitted). “A sentencing court meets its obligations so long as it was not operating under a misconception of the law regarding the discretionary nature of a habitual criminal adjudication.” *Id.* (internal quotation marks omitted).

Here, the State presented evidence that Monroe had previously been convicted of eight felonies: one in Nevada, and seven in California.<sup>1</sup> In adjudicating Monroe a habitual criminal, the district court explicitly recognized that all but one of Monroe's prior felonies were nonviolent and that some of the prior felonies were stale.<sup>2</sup> Nonetheless, the district court determined that Monroe's prior felonies were not "trivial" merely because they were nonviolent, and it exercised its discretion to adjudicate Monroe a habitual criminal based on his extensive criminal history.

After review, Monroe fails to demonstrate the district court misunderstood the discretionary nature of habitual criminal adjudication, and we conclude the district court did not abuse its broad discretion in determining habitual criminal adjudication was warranted in this matter. *See Arajakis v. State*, 108 Nev. 976, 983, 843 P.2d 800, 805 (1992) ("NRS 207.010 makes no special allowance for non-violent crimes or for the remoteness of convictions; instead, these are considerations within the discretion of the district court."); *see also Tanksley v. State*, 113 Nev. 997, 1004, 946 P.2d 148, 152 (1997) (holding a district court did not abuse its "very broad" discretion in adjudicating a defendant a habitual criminal

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<sup>1</sup>These prior felonies included uttering a forged instrument in 2022, grand theft of personal property in 2019, grand theft of personal property in 2015, assault by means likely to produce great bodily injury in 2009, unlawful driving/taking of a vehicle in 2007, receiving known stolen property in 2005, second-degree burglary in 2001, and first-degree burglary in 1994.

<sup>2</sup>For this reason, we reject Monroe's claim that the sentencing court failed to consider "with caution" the nonviolent and remote nature of his prior felony convictions.

where the defendant argued all three of his prior convictions were stale and two of his three convictions were nonviolent). Accordingly,<sup>3</sup> we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Bulla

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Kathleen A. Sigurdson, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>3</sup>To the extent Monroe raises additional claims in his pro se notice of appeal, such claims were improperly raised, and we do not consider them. See NRAP 3(c) (providing the contents of a notice of appeal); NRAP 28(a) (providing the contents of an opening brief, including argument); *see also* NRAP 46A(b)(1) ("A defendant who is appealing from a judgment of conviction may not appear pro se."); *Blandino v. State*, 112 Nev. 352, 354-56, 914 P.2d 624, 626-27 (1996) (holding a defendant does not have a right to self-representation on direct appeal).