

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL JOSEPH ZELLIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 62728

FILED

SEP 19 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Angela*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to correct an illegal sentence.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.


In his motion filed on January 9, 2013, appellant claimed that the district court lacked jurisdiction to adjudicate him a habitual criminal because the State failed to file the notice of habitual criminality in the district court. Appellant failed to demonstrate that his sentence was facially illegal or that the district court lacked jurisdiction. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). The notice of habitual criminality was electronically filed in the district court on October 3, 2008, and the notice contains the proper court endorsement. *See* NEFCR Rule 6(a) ("For documents that have been electronically filed or converted, the electronic version of the document constitutes the official court record, and electronically filed documents have the same force and

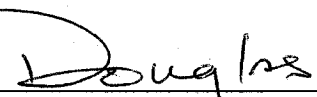
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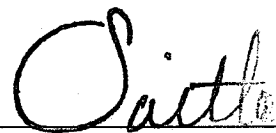
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

effect as documents filed by traditional means.”); NEFCR Rule 7(a) (“A court may permit electronic filing or conversion of a document in any action or proceeding unless these rules or other legal authority expressly prohibit electronic filing or conversion.”); NEFCR Rule 8(c) (providing that the court’s electronic endorsement “has the same force and effect as a manually affixed endorsement stamp of the clerk of the court”). Appellant acknowledged that his counsel received a faxed copy of the notice. We therefore conclude that the district court did not err in denying appellant’s motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

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

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

  
\_\_\_\_\_, J.  
Saitta

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<sup>2</sup>To the extent that appellant appealed from the decision to deny his motion for transport and motion for the appointment of counsel, we conclude that the district court did not abuse its discretion in denying the relief sought.

We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Linda Marie Bell, District Judge  
Michael Joseph Zellis  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk