

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREGORY ALLEN HATFIELD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65828

FILED

SEP 17 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

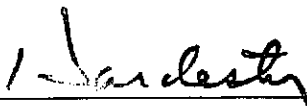
This is a proper person appeal from an order of the district court denying a motion to correct an illegal sentence.¹ Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

In his motion filed on April 29, 2014, appellant claimed that the district court improperly adjudicated him a habitual criminal for the offense of felony battery with the use of a deadly weapon. Appellant claimed that, because the jury acquitted him of being a felon in possession of a firearm and thus necessarily found that the State failed to prove at trial that appellant had prior felonies, the district court was barred from using those felonies to adjudicate him as a habitual criminal. 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). Appellant was not entitled to a jury

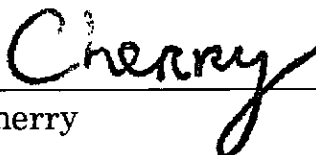
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

determination on a habitual criminal allegation, see *O'Neill v. State*, 123 Nev. 9, 16, 153 P.3d 38, 43 (2007), and his sentence was within the statutory range permitted by NRS 207.010(1)(b)(3). To the extent that appellant raised claims of ineffective assistance of counsel, these claims fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence. See *Edwards*, 112 Nev. at 708, 918 P.2d at 324. Therefore, without considering the merits of the claims that were outside the scope permitted, we conclude that the district court did not err in denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²

, J.
Hardesty

, J.
Douglas

, J.
Cherry

²We 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. Robert W. Lane, District Judge
Gregory Allen Hatfield
Nye County District Attorney
Attorney General/Carson City
Nye County Clerk