


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAMARR ROWELL, A/K/A LAMAR  
ROWELL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 74337

FILED

SEP 11 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Lamarr Rowell appeals from an order of the district court denying the motion to vacate judgment as void for lack of jurisdiction filed on August 24, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Mark B. Bailus, Judge.

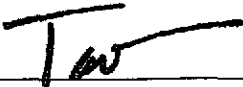
In his motion, Rowell claimed he could not be sentenced as a habitual criminal because he had not previously been adjudicated a habitual criminal, his adjudication as a habitual criminal violated the Ex Post Facto clause, and habitual criminal is a status and he cannot be punished for a status. Based on the nature of the claims raised in his motion, we construe this appeal as an appeal from an order denying a motion to correct an illegal sentence. We conclude Rowell failed to demonstrate his sentence was facially illegal or the district court lacked jurisdiction. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324


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<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

(1996). Therefore, we conclude the district court did not err by denying Rowell's motion, and we

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

  
\_\_\_\_\_, J.  
Tao

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

cc: Hon. Mark B. Bailus, District Judge  
Lamarr Rowell  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</sup>The Honorable Abbi Silver did not participate in the decision in this matter.