


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KEVIN BROOKS, A/K/A RALPH KEVIN  
CLARK,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 81939-COA

FILED

JUN 25 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*


Kevin Brooks appeals from an order of the district court denying a “motion to amend judgment, or in the alternative, motion for correction of illegal sentence” filed on September 25, 2020. Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

In his motion, Brooks claimed his sentence should be modified because of the changes enacted to the habitual criminal statutes in 2020. Brooks failed to demonstrate that his sentence was facially illegal or the district court lacked jurisdiction. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Further, as a separate and independent ground to deny relief, Brooks failed to demonstrate that the Legislature intended the changes to 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 Brooks' motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

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

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

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

cc: Chief Judge, Eighth Judicial District Court  
Eighth Judicial District Court, Dept. 19  
Kevin Brooks  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>To the extent Brooks appeals from the district court's denial of the motion-to-amend-judgment portion of his motion, a motion to amend judgment is not an appealable order. *See Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Therefore, we lack jurisdiction to consider this portion of the appeal.