

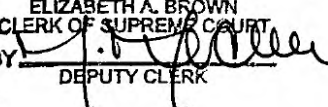
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DONALD ROBIN BARREN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 86850-COA

FILED

APR 10 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK


*ORDER OF AFFIRMANCE*

Donald Robin Barren appeals from an order of the district court denying a motion to correct an illegal sentence filed on December 1, 2022. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

In his motion, Barren claimed that the district court lacked jurisdiction to sentence him under the habitual criminal statute because the State did not include in the information a count of habitual criminal but rather filed a notice of intent to seek punishment as a habitual criminal after the jury trial had concluded. "A motion to correct an illegal sentence presupposes a valid conviction and may not, therefore, be used to challenge alleged errors in proceedings that occur prior to the imposition of sentence." *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996) (internal quotation marks omitted). Barren's claim challenged actions that occurred prior to the imposition of sentence. Thus, the claim was outside the scope of a motion to correct an illegal sentence. Accordingly, without reaching the

merits of his claim, we conclude that the district court did not err by denying the motion. Accordingly, we

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

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

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

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

cc: Hon. Joseph Hardy, Jr., District Judge  
Donald Robin Barren  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>Insofar as Barren has raised any other arguments that are not specifically addressed in this decision, we have considered the same and conclude that they do not present a basis for relief.