

IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTOR XAVIER WRIGHT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52745

FILED

AUG 27 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant Victor Wright's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

On July 31, 1989, the district court convicted appellant, pursuant to a jury verdict, of one count of attempted sexual assault, two counts of battery with the intent to commit sexual assault, one count of first-degree kidnapping, one count of sexual assault, four counts of first-degree kidnapping with the use of a deadly weapon, seven counts of sexual assault with the use of a deadly weapon, three counts of attempted sexual assault with the use of a deadly weapon, one count of battery with a deadly weapon with the intent to commit sexual assault, two counts of assault with a deadly weapon, and one count of attempted first-degree kidnapping with a deadly weapon. The district court sentenced appellant to serve multiple life and fixed terms in the Nevada State Prison. On direct appeal, this court affirmed eighteen of the counts in the judgment of conviction, but vacated five counts. Wright v. State, 106 Nev. 647, 799 P.2d 548 (1990). The district court entered an amended judgment of

conviction on December 11, 1990. Appellant unsuccessfully sought post-conviction relief by way of a petition for a writ of habeas corpus and a motion to correct an illegal sentence. Wright v. State, Docket No. 47419 (Order of Affirmance, October 26, 2006); Wright v. State, Docket No. 24371 (Order Dismissing Appeal, July 8, 1994).

On October 23, 2006, appellant filed a proper “post-conviction motion to amend and clarify the judgment of conviction.” The district court denied the motion, and this court affirmed. In its order of affirmance, this court specifically concluded, among other things, that (1) appellant’s judgment of conviction was not invalid for failing to specify the minimum terms appellant would have to serve to be eligible for parole; (2) the amended judgment of conviction was not invalid due to the district court’s failure to specify whether certain counts would run concurrently or consecutively in light of the reversal of five counts; and (3) appellant was not entitled to have credit for time served on a reversed count applied towards pending counts. Wright v. State, Docket No. 48531 (Order of Affirmance, February 7, 2007).

On January 4, 2008, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State filed a motion to dismiss the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On October 9, 2008, the district court dismissed appellant’s petition. This appeal followed.

In his petition, appellant argued that (1) the amended judgment of conviction was unconstitutional because it failed to state any minimum terms for parole eligibility; and (2) the amended judgment of conviction should have awarded credit for time served on the counts

reversed on appeal. He also alleged that due to these errors, the parole board had miscalculated his parole eligibility.

This court has already determined that appellant's judgment of conviction was not invalid for failing to state any minimum terms and that appellant was not entitled to any credit for time served on the vacated counts. Wright v. State, Docket No. 48531 (Order of Affirmance, February 7, 2007). The doctrine of law of the case prevents further litigation of these issues and "cannot be avoided by a more detailed and precisely focused argument." See Hall v State, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). Therefore, we conclude that appellant's claims (1) and (2) were properly dismissed pursuant to the doctrine of law of the case.

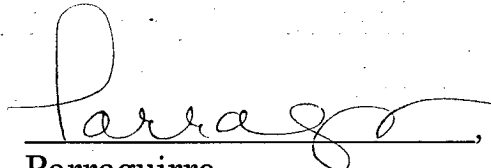
To the extent that appellant claimed that the parole board incorrectly determined his parole eligibility, it appears that these claims were based on the presumption that the amended judgment of conviction should have included minimum terms, and that appellant should have been awarded credit for time served on the vacated counts. As indicated above, this presumption was incorrect.¹ Therefore, as appellant did not

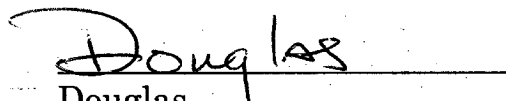
¹With respect to appellant's parole eligibility, as noted in the previous order of this court, NRS 213.120(1) provides that a prisoner sentenced for a crime committed before July 1, 1995, is eligible for parole when he has served one-third of the definite period of time for which he has been sentenced unless parole eligibility is limited by statute for certain specified sentences. When he committed his crimes, the offenses of first-degree kidnapping and sexual assault required that a minimum of five years be served before parole eligibility. See 1973 Nev. Stat., ch. 798, § 6, at 1804-05 (NRS 200.320—first-degree kidnapping); 1977 Nev. Stat., ch. 598, § 3, at 1626-27 (NRS 200.366—sexual assault).

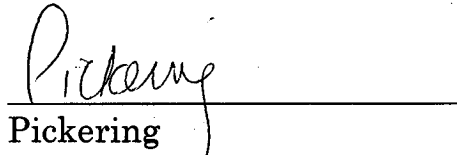
otherwise allege that the parole board miscalculated his parole eligibility, we conclude that the district court did not err in dismissing this claim.

Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. Jackie Glass, District Judge
Victor Xavier Wright
Attorney General Catherine Cortez Masto/Carson City
Eighth District Court Clerk