

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUAN ANDRES REYES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54204

FILED

JAN 08 2010

TRACIE A. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK


ORDER OF AFFIRMANCE

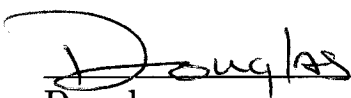
This is a proper person appeal from an order of the district court denying a motion for sentence modification. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

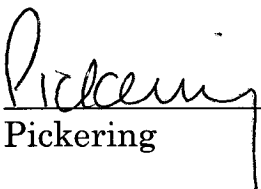
Appellant failed to demonstrate that his sentence was based on a mistaken assumption about his criminal record that worked to his extreme detriment. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). The jury found appellant guilty of using a deadly weapon during the primary offense, and NRS 193.165, at the time appellant committed his offense, required an equal and consecutive sentence for the deadly weapon enhancement. 1991 Nev. Stat., ch. 403, § 6, at 1059. This court previously considered and rejected appellant's claim that trial counsel was ineffective for failing to investigate an alibi based on the same pieces of evidence cited in the instant motion. Reyes v. State, Docket No. 39458 (Order of Affirmance, December 3, 2003). The doctrine of the law of the case precludes further litigation of this issue. Hall v. State, 91 Nev. 314, 535 P.2d 797 (1975). Therefore, we affirm the order of the district court.

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.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Elissa F. Cadish, District Judge
Juan Andres Reyes
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk