

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMAA ANTHONY CINQUE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54335

**FILED**

**OCT 27 2009**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a motion to modify sentence. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

Appellant Jamaa Anthony Cinque was convicted, pursuant to a guilty plea, of burglary, was adjudicated as a habitual criminal based on proof of 13 prior felony convictions, and was sentenced to prison for a term of 5 to 20 years. This court affirmed the judgment of conviction, Cinque v. State, Docket No. 42125 (Order of Affirmance, February 25, 2004), the district court's subsequent denial of a post-conviction petition for a writ of habeas corpus, Cinque v. State, Docket No. 46011 (Order of Affirmance, February 24, 2006), the district court's denial of a motion to correct an illegal sentence and a motion to modify the sentence, Cinque v. State, Docket No. 47886 (Order of Affirmance, January 30, 2007), and the district court's denial of a second post-conviction petition for a writ of habeas corpus, Cinque v. State, Docket No. 50487 (Order of Affirmance, April 7, 2008).

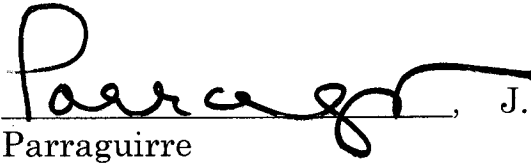
In this appeal from the denial of a motion to modify the sentence, Cinque argues that this court should disregard the law-of-the-

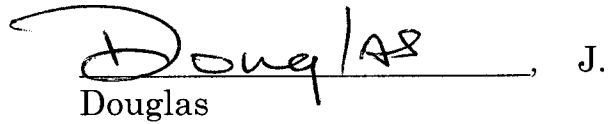
case doctrine and order a new sentencing hearing because some of the prior convictions used for the habitual criminal adjudication are stale and several of the prior convictions may have been the result of the same act, transaction, or occurrence and therefore could not be used as multiple prior convictions for purposes of the habitual criminal statute. We affirm the district court's judgment for three reasons.

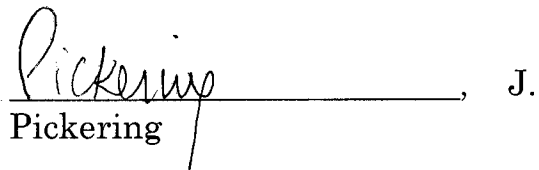
First, to the extent that this court addressed and resolved similar claims in Cinque's prior appeals, those decisions are the law of the case and Cinque has not demonstrated any reason for this court to revisit those decisions. See Pellegrini v. State, 117 Nev. 860, 884-85, 34 P.3d 519, 535-36 (2001) (explaining law-of-the-case doctrine and observing that this court "has limited discretion to revisit the wisdom of its legal conclusions when it determines that further discussion is warranted"). Second, Cinque's claims appear to fall outside of the limited scope of a motion to modify sentence. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996) (explaining that a motion to modify "is limited in scope to sentences based on mistaken assumptions about a defendant's criminal record which work to the defendant's extreme detriment"). And finally, as a separate and independent ground to deny relief, Cinque's claims lack merit because there is no time limit on prior convictions that can be used for habitual criminal adjudication, see Arajakis v. State, 108 Nev. 976, 983, 843 P.2d 800, 805 (1992), and even assuming that several of the prior convictions resulted from the same act, transaction, or occurrence, see Staley v. State, 106 Nev. 75, 76-77, 787 P.2d 396, 396-97 (1990), overruled on other grounds by Hodges v. State, 119 Nev. 479, 78 P.3d 67 (2003), it is clear that Cinque had more than enough prior felony convictions to warrant habitual criminal adjudication under NRS 207.010.

Having considered Cinque's arguments and concluded that they lack merit, we

ORDER the judgment of conviction AFFIRMED.

 J.  
Parraguirre

 J.  
Douglas

 J.  
Pickering

cc: Hon. Steven P. Elliott, District Judge  
Mary Lou Wilson  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk