

IN THE SUPREME COURT OF THE STATE OF NEVADA

DOUGLAS RAY BURKEYBILE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55974

FILED

JAN 13 2011

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to correct illegal sentence.¹ Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.


In his motion, filed on March 17, 2010, appellant claimed that he was not provided sufficient notice of the State's intent to seek habitual criminal adjudication. The district court denied the motion because appellant failed to provide proof of service upon the opposing party. WDCR 12(4). We conclude that the district court did not err in denying the motion.


Moreover, as a separate and distinct ground for denying this motion, this court considered and rejected appellant's claim concerning the notice of intent to seek habitual criminal adjudication on direct appeal. Burkeybile v. State, Docket No. 50793 (Order of Affirmance, July 23,

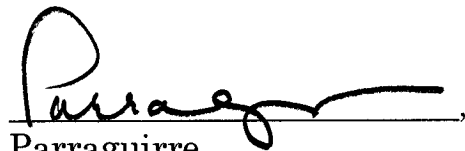
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

2009). The doctrine of law of the case prevents further litigation of the underlying claim 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). In addition, appellant’s claim was outside the scope of a motion to correct an illegal sentence as the sentence was facially legal, see NRS 205.0832; NRS 205.0835; NRS 200.471; NRS 207.010, and appellant failed to demonstrate that the district court was without jurisdiction. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). We therefore conclude that the district court did not err in denying appellant’s motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

²We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Steven P. Elliott, District Judge
Washoe Co. Clerk
Douglas Ray Burkeybile
Attorney General/Carson City
Washoe County District Attorney