

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREGORY SCOTT HERMANSKI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58688

FILED

NOV 18 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Ingerson
DEPUTY CLERK

ORDER OF AFFIRMANCE

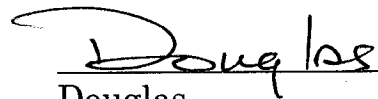
This is a proper person appeal from an order of the district court denying a motion to correct an illegal sentence, or alternatively, motion to modify sentence.¹ Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

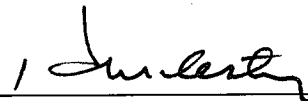
In his motion filed on April 25, 2011, appellant claimed that the court was without jurisdiction to adjudicate him a habitual felon because the State had only filed notice of its intention to seek habitual felon treatment and had failed to amend the information to contain a count of habitual felon treatment. Appellant further claimed that the State was precluded from seeking habitual felon treatment after his alleged success in litigating a motion to vacate judgment. Appellant failed to demonstrate that his sentence was facially illegal and that the district court lacked jurisdiction. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Appellant failed to demonstrate that the district

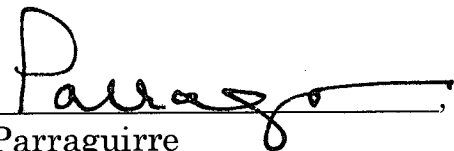
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. See id. Further, this court has previously considered and rejected appellant's previous challenges to his habitual felon adjudication. Hermanski v. State, Docket No. 55718 (Order of Affirmance, September 9, 2010); Hermanski v. State, Docket No. 41405 (Order of Affirmance, July 1, 2004). The doctrine of the law of the case prevents further litigation of this issue and cannot be avoided by a more detailed and precisely focused argument made upon reflection of the prior proceedings. Hall v. State, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). 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.
Douglas


_____, 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. Elissa F. Cadish, District Judge
Gregory Scott Hermanski
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk