

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES H. PORTER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59454

FILED

FEB 08 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order denying a motion to vacate or correct illegal sentence.¹ Eighth Judicial District Court, Clark County; Abbi Silver, Judge.

In his motion filed on September 16, 2011, appellant claimed that it was not permissible to adjudicate him as a habitual criminal twice in the same judgment of conviction or provide for different sentences for the two counts in the same judgment of conviction, and appellant claimed that the State failed to provide him with certified copies of the three prior judgments of conviction prior to sentencing. Appellant claimed that counsel was ineffective for failing to object to this and failing to present mitigating evidence about his military service and subsequent post-traumatic stress disorder. This court has previously considered and rejected appellant's challenge to his habitual criminal adjudication. Porter v. State, Docket No. 30680 (Order Dismissing Appeal, September

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 Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

24, 1999); Porter v. State, Docket No. 48122 (Order of Affirmance and Directing Correction of Judgment of Conviction, April 6, 2007). The doctrine of the law of the case prevents further litigation of his habitual criminal adjudication 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, 535 P.2d 797 (1975). Appellant further failed to demonstrate that his sentence was facially illegal and that the district court lacked jurisdiction. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²

Cherry, J.
Cherry

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Hon. Abbi Silver, District Judge
Charles H. Porter
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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.