

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEAUNDRAY GASTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61154

FILED

FEB 13 2013

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

ORDER OF AFFIRMANCE


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

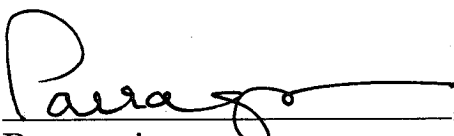
In his motion filed on April 24, 2012, appellant claimed that the district court was without jurisdiction to impose a deadly weapon enhancement and that he was improperly sentenced without a presentence investigation report. Appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Appellant failed to demonstrate that his sentence was facially illegal and that the district court lacked jurisdiction. See id. Appellant raised nearly identical claims in a previous motion to correct an illegal sentence. Gaston v. State, Docket No. 57997 (Order of Affirmance, July 13, 2011). The doctrine of the law of the case

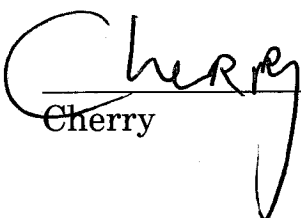
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

prevents further litigation of these issues. See Hall v. State, 91 Nev. 314, 535 P.2d 797 (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.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Michael Villani, District Judge
DeAundray Gaston
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.