IN THE SUPREME COURT OF THE STATE OF NEVADA

JUAN MANUEL LUNA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63923

FILED

FEB 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
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 and to amend judgment of conviction.[1] Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.

In his motion filed on July 11, 2013, appellant claimed that the judgment of conviction failed to specify the minimum parole eligibility for counts 1 and 2. As the failure to specify a minimum term does not render the sentence illegal nor does it implicate the jurisdiction of the district court, appellant's claim fell outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

Moreover, as a separate and independent ground to deny relief, we conclude appellant's claim lacks merit. Appellant did not

[1]This 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).

demonstrate that there was any confusion about parole eligibility when he was sentenced to serve: (1) for count 1, a term of life with the possibility of parole; (2) for count 2, two consecutive terms of 10 years, to run consecutive with count 1, and thus the judgment of conviction was not required to set forth the minimum term for each count.[2] Therefore, the district court did not err in denying the motion.[3]

To the extent appellant claimed that the district court erroneously included the deadly weapon enhancement for count 2, this court has already determined that this claim lacks merit, *see Luna v. State*, Docket No. 45591 (Order of Affirmance, December 21, 2005), and the doctrine of the law of the case prevents further litigation of this issue. *See Hall v. State*, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975); *see also Breault v. State*, 116 Nev. 311, 314, 996 P.2d 888, 889 (2000) (holding that a defendant who knowingly and voluntarily agrees to an infirm sentence pursuant to plea negotiations, waives such infirmity pursuant to the negotiations and may not later claim the sentence was infirm).

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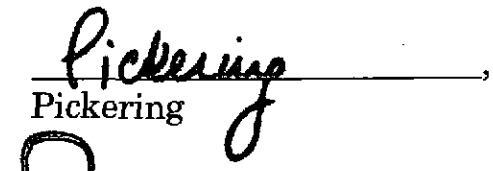
[2]*See* NRS 176.105(1)(c) (requiring the judgment of conviction to set forth the applicable provision of a statute if necessary to determine parole eligibility). When appellant committed his crimes, the offense of first-degree murder required that a minimum of ten years be served before parole eligibility. *See* 1989 Nev. Stat., ch. 408, § 1, at 865 (NRS 200.030). Additionally, NRS 213.120(1) provides that a prisoner sentenced for a crime committed before July 1, 1995, is eligible for parole when he has served one-third of the definite period of time for which he has been sentenced unless parole eligibility is limited by statute for certain specified sentences.

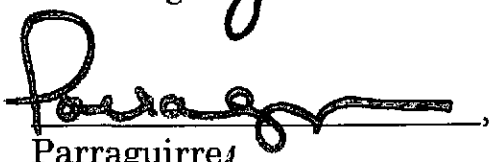
[3]We conclude that the district court did not err in denying, as moot, appellant's request to include a list of the statutes on the judgment of conviction.

Having considered appellant's claims and concluded he is not entitled to relief, we

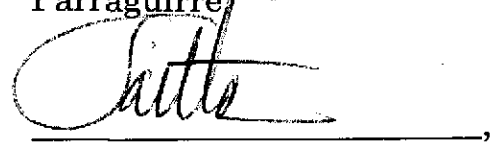
ORDER the judgment of the district court AFFIRMED.



_____, J.
Pickering



_____, J.
Parraguirre



_____, J.
Saitta

cc: Hon. Valorie J. Vega, District Judge
Juan Manuel Luna
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk