

IN THE SUPREME COURT OF THE STATE OF NEVADA

JESSE BLAKE GREENBERG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64178

FILED

MAR 12 2014

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying a motion to modify and/or correct an illegal sentence.¹ Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

In his motion filed on August 9, 2013, appellant claimed that his sentence is illegal or must be modified because he does not have the required number of prior felony convictions necessary to support a habitual criminal adjudication under NRS 207.010(1)(b). Appellant has not demonstrated that his sentence is facially illegal, the district court lacked jurisdiction to impose the sentence, or the district court relied upon mistaken assumptions about his criminal record that worked to his extreme detriment. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Moreover, because appellant has previously raised a nearly identical claim in his post-conviction petition for a writ of habeas corpus, *see Greenberg v. State*, Docket No. 50631 (Order of Affirmance, November 21, 2008), further litigation of this claim is barred by the

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).

doctrine of law of the case, *see Hall v. State*, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). Accordingly, we conclude that the district court did not err by denying appellant's motion, and we

ORDER the judgment of the district court AFFIRMED.²

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Valerie Adair, District Judge
Jesse Blake Greenberg
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. We note that appellant has a proper person appeal from a decision denying a post-conviction petition for a writ of habeas corpus pending in this court under docket number 63998.