

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JASON ALLEN BENNETT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67668

FILED

AUG 04 2015

TRACIE K. LINDAMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from an order of the district court denying a motion to withdraw guilty plea.¹ Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.


¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude 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).

In addition, in *Harris v. State*, the Nevada Supreme Court clarified that a defendant who wishes to withdraw his plea after sentencing must file a post-conviction petition for a writ of habeas corpus. 130 Nev. ___, ___, 329 P.3d 618, 628 (2014). Bennett's motion was filed after *Harris* was announced and did not conform with the provisions of NRS 34.735. The district court did not require Bennett to cure any defects, nor does it appear that the court considered the procedural requirements of NRS chapter 34 as mandated by *Harris*. We note, however, the motion would have met all procedural requirements of NRS chapter 34 if construed as a petition for a writ of habeas corpus. Therefore, in the interest of judicial economy, we decline to remand to the district court to consider the procedural requirements of NRS chapter 34.

In his December 8, 2014, motion, appellant Jason Allen Bennett claimed his plea was not knowingly and voluntarily entered. Bennett also asserted he was coerced into pleading guilty due to ineffective assistance of counsel. However, Bennett already raised both of these claims on direct appeal. *Bennett v. State*, Docket No. 64035 (Order of Affirmance, May 13, 2014). The Nevada Supreme Court concluded the record demonstrated Bennett's plea was entered knowingly and voluntarily and that Bennett did not demonstrate his counsel was ineffective in this regard. *Id.* The doctrine of the law of the case prevents further litigation of these issues and "cannot be avoided by a more detailed and precisely focused argument." *Hall v. State*, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). To the extent Bennett asserted the court should reconsider his claims, Bennett failed to demonstrate the law of the case doctrine should not be applied. *See Tien Fu Hsu v. Cnty. of Clark*, 123 Nev. 625, 632, 173 P.3d 724, 729-30 (2007) (discussing exceptions to the law of the case doctrine). Therefore, the district court did not err in denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Kathleen E. Delaney, District Judge
Jason Allen Bennett
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk