

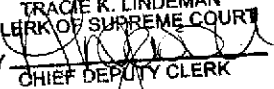
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIAM CATO SELLS, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68960

FILED

APR 20 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying a motion to modify or correct an illegal sentence.¹ Eighth Judicial District Court, Clark County; Stefany Miley, Judge.


Appellant William Sells claims the district court erred by denying his motion to modify or correct an illegal sentence because the district court failed to determine if he raised a valid due process claim or whether his rights were protected under the Eighth and Fourteenth Amendments. We conclude Sells is not entitled to relief.


In his motion filed on August 14, 2015, Sells claimed the district court was vindictive at sentencing based on Sells' exercising his constitutional rights and there were errors in his original presentence investigation report. Sells' claim regarding the district court being vindictive 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). Further, Sells' claim regarding errors


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

in his presentence investigation report was previously raised and rejected by the Nevada Supreme Court, *Sells v. State*, Docket No. 54064 (Order of Affirmance, March 10, 2010), and is barred by the doctrine of law of the case, *Hall v. State*, 91 Nev. 314, 315-16, 535 P.2d 797, 798-99 (1975). Therefore, we conclude the district court did not err in denying the motion, and we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Stefany Miley, District Judge
William Cato Sells, Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²Sells also failed to demonstrate he had the right to file a reply to the State's opposition to the motion to modify or correct an illegal sentence. See EJD CR 3.20. We also conclude the district court did not abuse its discretion by denying Sells' motion to appoint counsel.