

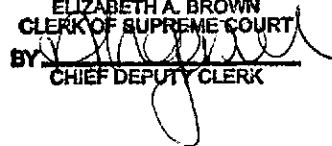
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TOMMIE LEE MCDOWELL, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 72207

FILED

SEP 13 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Tommie Lee McDowell, Jr., appeals from an order of the district court denying the motion to modify sentence he filed on November 3, 2016.<sup>1</sup> Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

In his motion, McDowell claimed the district court erred at sentencing because the district court failed to make a specific finding it was just and proper to sentence him pursuant to the habitual criminal statute. This claim fell outside the narrow scope of claims permissible in a motion to modify sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, without considering the merits of this claim, we conclude the district court did not err by denying this claim.


McDowell also claimed the district court erred by sentencing him pursuant to the habitual criminal statute because three of his prior convictions arose from the same act, transaction, or occurrence and were prosecuted in the same indictment or information. This claim was previously rejected by the Nevada Supreme Court, *see McDowell v. State*,

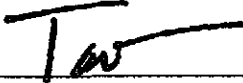
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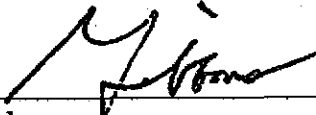
<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

Docket No. 26314 (Order Dismissing Appeal, March 26, 1999), and therefore, is barred by the doctrine of law of the case, *see Hall v. State*, 91 Nev. 314-15, 535 P.2d 797, 798-99 (1975). Accordingly, the district court did not err by denying this claim, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Kathleen E. Delaney, District Judge  
Tommie Lee McDowell, Jr.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk