

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROY DANIELS MORAGA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73349

FILED

FEB 13 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE


Roy Daniels Moraga appeals from an order of the district court denying the motion to correct an illegal sentence he filed on April 26, 2017.¹ Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.


Moraga claims the district court erred by denying his motion to correct an illegal sentence. Specifically, he claims his sentence was illegal because at sentencing the State relied on a faxed copy of one of his prior convictions instead of providing the court with a certified copy of his prior conviction. Moraga raised this claim in a previous motion to correct an illegal sentence and this court concluded Moraga's claim did not implicate the jurisdiction of the district court, the claim was outside the scope of a motion to correct an illegal sentence, and the Nevada Supreme Court had previously determined "the district court properly considered appellant's prior conviction for purposes of adjudication as a habitual criminal," and therefore his claim was barred by the doctrine of law of the case. *See Moraga v. State*, Docket No. 66826 (Order of Affirmance, March 17, 2015).

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

Because Moraga's claims have already been reviewed and rejected by this court and the Nevada Supreme Court, they are barred by the doctrine of law of the case. *See Hall v. State*, 91 Nev. 314, 315, 535 P.2d 797, 798 (1975). To the extent Moraga argues he can overcome the doctrine of law of the case because "subsequent proceedings will produce substantially different evidence than reviewed before" and "the prior decision this court continues to rely on is clearly erroneous and has resulted in a manifest injustice" his claims are conclusory and he fails to demonstrate they have merit and could overcome the doctrine of law of the case. Accordingly, we conclude the district court did not err by denying the motion, and we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Silver


_____, J.
Gibbons

cc: Hon. Elissa F. Cadish, District Judge
Roy Daniels Moraga
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²The Honorable Jerome Tao did not participate in the decision in this matter.