

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LEROY COLLINS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74204

FILED

JUN 29 2018

ELIZABETH H. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Leroy Collins appeals from an order of the district court denying a motion to correct an illegal sentence filed on August 10, 2017.¹ Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Collins contends the district court abused its discretion in denying his motion. Collins challenged how his sexual-assault sentences were reflected in his first judgment of conviction. This court has already determined that those sentences were not illegal. *See Collins v. State*, Docket No. 67458 (Order of Affirmance, June 16, 2015). That holding is the law of the case and “cannot be avoided by a more detailed and precisely focused argument subsequently made after reflection upon the previous proceedings.” *Hall v. State*, 91 Nev. 314, 315-16, 535 P.2d 797, 798-99 (1975).

Although he entitled his pleading below as a motion to correct an illegal sentence, Collins also claimed his sentence should be modified because the district court relied on mistaken assumptions that worked to his extreme detriment. A motion to modify is limited to when the sentencing court based its decision on mistaken assumptions about a


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

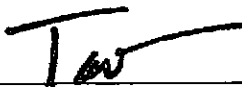
18-901412

defendant's criminal record and those assumptions worked to the defendant's extreme detriment. See *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Collins did not demonstrate the sentencing court relied on any mistaken assumption about his criminal record when it sentenced him to several terms of "life" for the sexual assaults. Further, he did not demonstrate that any alleged error worked to his extreme detriment. Because nothing in the verdicts or judgment of conviction indicated his victims suffered substantial bodily harm or were under the age of 14 years old, Collins was subject to a maximum term of either not less than five years or life in prison, both with parole eligibility beginning after five years. See 1977 Nev. Stat., ch. 598, § 3, at 1626-27. Thus a sentence of "life" necessarily meant he was eligible for parole after five years, and the record on appeal confirms the Nevada Department of Corrections (NDOC) has understood his sentences to be five years to life in prison.

Finally, to the extent Collins challenged NDOC's computation of time he has served, such a claim must be raised in a postconviction petition for a writ of habeas corpus. See NRS 34.724(2)(c). We therefore conclude the district court did not err by denying Collins' motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Douglas Smith, District Judge
Leroy Collins
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk