IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVON LAROY GORDON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 37048

FILED

MAR 15 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's motion to set aside judgment and withdraw plea.

On September 30, 1999, the district court convicted appellant, pursuant to a guilty plea, of one count of possession of a controlled substance. The district court sentenced appellant to serve a minimum term of nineteen months to a maximum term of forty-eight months in the Nevada State Prison. This court dismissed appellant's direct appeal.[1]

On September 26, 2000, appellant filed a proper person motion to set aside judgment and withdraw guilty plea. The State opposed appellant's motion. On October 26, 2000, the district court denied appellant's motion. This appeal followed.

In his motion, appellant contended that there was no evidence to sustain a conviction of possession of a controlled substance. Our review of the record on appeal reveals that the district court did not err in denying appellant's motion because this court previously decided this issue against appellant. In his direct appeal, appellant challenged the sufficiency of the evidence. This court concluded that appellant had entered his guilty plea to possession of a controlled substance to avoid the more serious charge of unlawful sale of a controlled substance and that appellant's guilty plea relieved the State of its burden to prove every element beyond a reasonable doubt. The doctrine of the law of the case prevents further relitigation of this

[1]Gordon v. State, Docket No. 34975 (Order Dismissing Appeal, March, 1, 2000).

01-04651

issue.[2] To the extent that appellant argued his guilty plea was invalid, appellant failed to carry his burden of demonstrating that his plea was entered unknowingly and involuntarily.[3]

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.[4] Accordingly, we

ORDER the judgment of the district court AFFIRMED.[5]

_____, J.
Shearing

_____, J.
Agosti

_____, J.
Rose

cc: Hon. Janet J. Berry, District Judge
Attorney General
Washoe County District Attorney
Stevon Laroy Gordon
Washoe County Clerk

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[2]Hall v. State, 91 Nev. 314, 535 P.2d 797 (1975).

[3]Bryant v. State, 102 Nev. 268, 721 P.2d 364 (1986).

[4]See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), cert. denied, 423 U.S. 1077 (1976).

[5]We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.