

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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

No. 70797

FILED

OCT 18 2016

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

ORDER OF AFFIRMANCE

This is an appeal from an order denying a motion to correct an illegal sentence.¹ Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.


Appellant Tommie McDowell, Jr., claims the district court erred by denying his motion to correct an illegal sentence filed on June 7, 2016. He claims the district court erred by denying his claim that the sentencing judge erred by relying on three convictions that arose out of the same act, transaction, or occurrence and were prosecuted in the same indictment to enhance his sentence pursuant to the habitual criminal statute. McDowell also claims the sentencing judge failed to state whether it was "just and proper" to sentence McDowell under the habitual criminal statute.

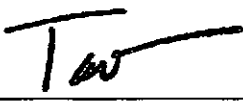
McDowell's claims fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). We also note the


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

Nevada Supreme Court already rejected McDowell's first claim in the direct appeal from his judgment of conviction. *See McDowell v. State*, Docket No. 26314 (Order Dismissing Appeal, March 26, 1999). Therefore, this claim was barred by the doctrine of law of the case and cannot be avoided by a more detailed and precisely focused argument. *See Hall v. State*, 314, 315-16, 535 P.2d 797, 798-99 (1975). Accordingly, we conclude the district court did not err in denying McDowell's motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

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