IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL STAUR DAMINANIDIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 40339

FILED

AUG 20 2003

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 for sentence modification.

On February 25, 1999, the district court convicted appellant, pursuant to a guilty plea, of one count of attempted burglary and one count of burglary. The district court sentenced appellant to serve a term of twelve to sixty months for the attempted burglary count. The district court adjudicated appellant a habitual criminal for the burglary count and sentenced appellant to serve a term of sixty to two hundred and forty months. The district court imposed the sentences to run concurrently.[1] This court affirmed appellant's judgment of conviction.[2]

On May 26, 2002, appellant filed a proper person motion for sentence modification in the district court. The State opposed the motion. On September 20, 2002, the district court denied appellant's motion. This appeal followed.

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[1]On May 20, 1999, the district court entered an amended judgment of conviction to reflect that district court case number C138877 was dismissed.

[2]Deminanidis v. State, Docket No. 33553 (Order of Affirmance, October 2, 2000).

In his motion, appellant contended that his sentence was imposed in violation of notions of fairness and due process because of the prosecutor's improper argument. Specifically, appellant claimed that the prosecutor impermissibly argued that appellant was the reason for high insurance premiums without any evidentiary support for the statement. Appellant claimed that this argument affected the district court's sentencing decision. Appellant further argued that his sentence should be modified because of the programming that he has undertaken in prison to help him become a productive member of society.

A motion to modify a sentence "is limited in scope to sentences based on mistaken assumptions about a defendant's criminal record which work to the defendant's extreme detriment."[3] Our review of the record on appeal reveals that the district court did not err in denying appellant's motion. On direct appeal, this court considered and rejected appellant's claim that he was denied due process at sentencing when the prosecutor argued that appellant was the reason for high insurance premiums. The doctrine of the law of the case prevents further litigation of this issue and cannot be avoided by a more detailed and precisely focused argument.[4] Appellant failed to demonstrate that the district court relied upon any mistaken assumptions about appellant's criminal record that worked to his extreme detriment. Therefore, we affirm the order of the district court.

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[3]Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

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

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.[5] Accordingly, we

ORDER the judgment of the district court AFFIRMED.

_____, J.
Shearing

_____, J.
Leavitt

_____, J.
Becker

cc: Hon. Donald M. Mosley, District Judge
Michael Staur Daminanidis
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

[5]See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).