

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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

No. 66826

**FILED**

**MAR 17 2015**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from an order of the district court denying a motion to correct an illegal sentence.<sup>1</sup> Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

In his motion filed on October 1, 2014, appellant claimed that the district court lacked jurisdiction to sentence him as a habitual criminal because the State failed to prove that his prior convictions were constitutionally valid. Appellant also claimed that he was “actually innocent” of the habitual criminal enhancement. Appellant’s claims did not implicate the jurisdiction of the district court. See Nev. Const. art. 6, § 6; NRS 171.010. Appellant’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). Therefore, without


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<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

considering the merits of any of the claims raised in the motion, we conclude that the district court did not err in denying the motion.

In addition, as a separate and independent ground for denying relief, the Nevada Supreme Court has already concluded that the district court properly considered appellant's prior convictions for purposes of adjudication as a habitual criminal. *Moraga v. State*, Docket No. 22901 (Order Dismissing Appeal, October 4, 1995). The doctrine of law of the case prevents further litigation of this claim and "cannot be avoided by a more detailed and precisely focused argument." *Hall v. State*, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). Therefore, the district court did not err in denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

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<sup>2</sup>We have reviewed all documents that appellant has submitted to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.



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