

IN THE SUPREME COURT OF THE STATE OF NEVADA

BENJAMIN AUGUSTINE
MENDILUCE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59424

FILED

FEB 08 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Wapora*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying appellant Benjamin Augustine Mendiluce's motion to correct an illegal sentence. Fourth Judicial District Court, Elko County; J. Michael Memeo, Judge.

Mendiluce contends that the district court erred by denying his motion to correct because his sentence "is ambiguous, and therefore open to misinterpretation and application by the Nevada Department of Corrections." Mendiluce specifically takes issue with the imposition of a consecutive prison term for one of the four counts he pleaded to. We previously considered and rejected this claim, Mendiluce v. State, Docket No. 48919 (Order of Affirmance, May 11, 2007), and the doctrine of the law of the case precludes further litigation of the issue, Hall v. State, 91 Nev. 314, 315, 535 P.2d 797, 798 (1975); see also Hsu v. County of Clark, 123 Nev. 625, 630, 173 P.3d 724, 728-29 (2007) (observing that this court may "depart from a prior holding if convinced that it is clearly erroneous and

would work a manifest injustice” (quoting Arizona v. California, 460 U.S. 605, 618 n.8 (1983))). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Cherry, J.
Cherry

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Fourth Judicial District Court Dept. 1, District Judge
Brian D. Green
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk