

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LEROY ROOSEVELT MACK,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 86244-COA

**FILED**

AUG 24 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

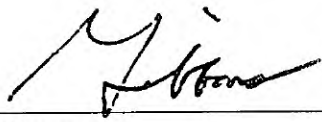
Leroy Roosevelt Mack appeals from an order of the district court denying his “motion to commute and modify sentence based on ‘due process’ violation by stand in counsel” filed on January 18, 2023. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

In his motion, Mack argued that his sentence should be modified because stand-in counsel was not prepared for sentencing. This claim was previously considered by this court in a different motion to modify and was rejected as outside the scope of a motion for sentence modification. *See Mack v. State*, No. 84476-COA, 2022 WL 3756011 (Nev. Ct. App. Aug. 29, 2022) (Order Affirming in Part and Dismissing in Part). Thus, this claim is barred by the doctrine of law of the case. *See Hall v. State*, 91 Nev. 314, 315, 535 P.2d 797, 798 (1975). Therefore, we conclude that the district court did not err by denying the motion.


On appeal, Mack does not challenge the district court’s denial of his motion but rather argues that the district court erred by finding he was a vexatious litigant. Mack’s motion filed below did not challenge a vexatious litigant declaration, and the district court’s order denying his motion neither addressed such a claim nor ordered that he be deemed a

vexatious litigant. Because this claim was not raised below in the district court, we decline to consider it for the first time on appeal. *See McNelton v. State*, 115 Nev. 396, 415-16, 990 P.2d 1263, 1275-76 (1999). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

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

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Ronald J. Israel, District Judge  
Leroy Roosevelt Mack  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>We have reviewed all documents Mack has filed in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Mack attempts to present claims or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance. *See id.*