

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER RAMIREZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45340

**FILED**

JUL 29 2005

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. R. [Signature]*  
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

On April 24, 2003, the district court convicted appellant, pursuant to a jury verdict, of first degree arson. The district court sentenced appellant to serve a term of four to ten years in the Nevada State Prison. This court affirmed appellant's judgment of conviction on direct appeal.<sup>1</sup> The remittitur issued on February 18, 2004.

On December 8, 2004, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On April 22, 2005, the district court summarily denied appellant's petition, and on May 20, 2005, the district

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<sup>1</sup>Ramirez v. State, Docket No. 41403 (Order of Affirmance, January 21, 2004).

court entered a written order containing specific findings of fact and conclusions of law. This appeal followed.<sup>2</sup>

In his petition, appellant first contended that his trial counsel was ineffective. To state a claim of ineffective assistance of counsel sufficient to invalidate a judgment of conviction, a petitioner must demonstrate that counsel's performance fell below an objective standard of reasonableness, and that counsel's errors were so severe that they rendered the jury's verdict unreliable.<sup>3</sup> The court can dispose of a claim if the petitioner makes an insufficient showing on either prong.<sup>4</sup>

Appellant claimed that his trial counsel failed to prepare a sufficient defense and failed to fight to win the case. Appellant further claimed that his trial counsel failed to file any motions. Appellant claimed that his trial counsel's deficient performance was a result of appellant's refusal to take the deal offered by the State. We conclude that appellant failed to demonstrate that his trial counsel's performance was deficient or that he was prejudiced. Appellant failed to offer any specific facts in support of his claims.<sup>5</sup> Appellant failed to indicate what further

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<sup>2</sup>On March 4, 2005, appellant filed a motion to add additional grounds. On April 22, 2005, the district court denied the motion. We conclude that the district court did not abuse its discretion in denying appellant's motion. See NRS 34.750(5).

<sup>3</sup>Strickland v. Washington, 466 U.S. 668 (1984); Warden v. Lyons, 100 Nev. 430, 683 P.2d 504 (1984).

<sup>4</sup>Strickland, 466 U.S. at 697.

<sup>5</sup>See Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).

preparations counsel should have taken or what motions counsel should have filed that would have had a reasonable probability of altering the outcome of the trial. Therefore, we conclude that the district court did not err in determining that this claim lacked merit.

Next, appellant claimed that the State's witness, Takesha Simpson, was not credible and that the defense witnesses demonstrated that he was not present at the time the fire started. This court considered and rejected appellant's claim that there was insufficient evidence presented because Simpson's testimony was not reliable. This court stated that although appellant presented testimony that he was at home at the time the fire started, it was for the jury to determine the credibility of the witnesses.<sup>6</sup> The doctrine of the law of the case prevents further litigation of these issues and cannot be avoided by a more detailed and precisely focused argument.<sup>7</sup> Thus, we conclude that the district court did not err in denying these claims.

Finally, appellant claimed that his due process and equal protection rights were violated. These claims are waived because they were not raised on direct appeal, and appellant failed to demonstrate good cause for his failure to do so.<sup>8</sup>

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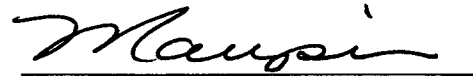
<sup>6</sup>See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981).

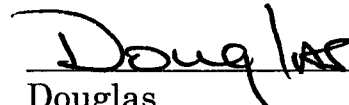
<sup>7</sup>See Hall v. State, 91 Nev. 314, 535 P.2d 797 (1975).

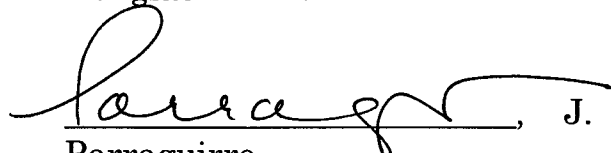
<sup>8</sup>See NRS 34.810(1)(b).

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.<sup>9</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.  
Maupin

 J.  
Douglas

 J.  
Parraguirre

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

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<sup>9</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).