

IN THE SUPREME COURT OF THE STATE OF NEVADA

MERRY S. WEST,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55555

MERRY S. WEST,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 56200

**FILED**

**NOV 05 2010**

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

ORDER OF AFFIRMANCE IN DOCKET NO. 55555 AND ORDER  
DISMISSING APPEAL IN DOCKET NO. 56200

Docket No. 55555 is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.<sup>1</sup> Docket No. 56200 is a proper person appeal from an order of the district court denying a supplemental amended petition. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge. We elect to consolidate these appeals for disposition. NRAP 3(b).

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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 Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

Docket No. 55555

In her petition filed on October 9, 2009, appellant raised the following claims: the district court erred by denying her constitutional right of confrontation and to a fair trial, the district court erred by admitting the surveillance video, the district court erred by not allowing her to pursue a theory of defense based on race, the district court erred in denying her motion that the jury did not represent a fair cross-section of the population, the district court erred by making disparaging remarks regarding trial counsel, the corpus delicti was not proven, the district court erred when it told the jury it reached the correct verdict, the district court erred by sentencing appellant as a habitual criminal, and the district court erred when it refused to allow appellant to refute her criminal history. These claims were raised and rejected on direct appeal and the doctrine of law of the case prevents further litigation of these issues. Hall v. State, 91 Nev. 314, 315-16, 535 P.2d 797, 798-99 (1975). Therefore, the district court did not err in denying these claims.

To the extent that appellant also claimed she received ineffective assistance of counsel, appellant failed to allege specific facts that, if true, entitled her to relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). Therefore, the district court did not err in denying this claim, and we affirm the order of the district court denying the petition.

Docket No. 56200

After appellant appealed the district court's order in Docket No. 55555, appellant filed a document labeled "supplemental to amended petition for a writ of habeas corpus." The district court denied the supplement and appellant appealed that decision. An order denying

permission to supplement a habeas corpus petition is not an independently appealable order. NRS 177.015(3); NRS 177.045. Further, the district court has no jurisdiction because the appeal was pending. Buffington v. State, 110 Nev. 124, 126, 868 P.2d 643, 644 (1994). Therefore, we dismiss the appeal for lack of jurisdiction. Accordingly, we

ORDER the judgment of the district court AFFIRMED in Docket No. 55555 and dismiss the appeal in Docket No. 56200.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. Kathy A. Hardcastle, District Judge  
Eighth District Court Clerk  
Merry Steen West  
Clark County District Attorney  
Attorney General/Carson City