

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOEY LEE SALAS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57009

FILED

MAY 09 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY A. Ingersoll  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This 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> Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

In his petition, filed on June 24, 2010, appellant first claimed that his jury was erroneously instructed as to reasonable doubt and defense of others and that there was insufficient evidence to convict him of either count. These claims could have been raised in his direct appeal.<sup>2</sup> NRS 34.810(1)(b)(2). Appellant's petition was therefore procedurally barred absent a demonstration of cause and actual prejudice. NRS 34.810(1)(b). Appellant made no cogent argument of cause or actual

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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).

<sup>2</sup>Salas v. State, Docket No. 52004 (Order of Affirmance, December 23, 2009).

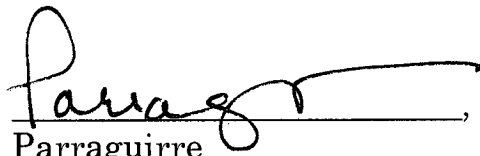
prejudice, and we therefore conclude that the district court did not err in denying these claims as procedurally barred.

Appellant also claimed that his rights to confrontation and due process at trial were violated when the district court admitted statements made by appellant's co-defendant and denied appellant's repeated requests to sever the trial. This court considered and rejected these claims on direct appeal, and they were therefore barred by the doctrine of the law of the case. Hall v. State, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Valerie Adair, District Judge  
Joey Lee Salas  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk