

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY DEMETRIUS FUNCHES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62810

FILED

JAN 15 2014

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

ORDER OF AFFIRMANCE

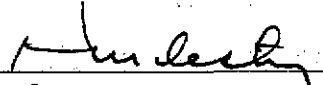
This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

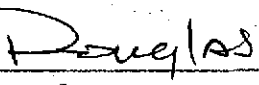
In his petition filed on November 6, 2012, appellant raised several claims that were previously raised and rejected on appeal: the district court erred by admitting text messages, the district court erred by allowing a jailhouse recording of a telephone call between appellant and his brother, and cumulative error. *Funches v. State*, Docket No. 57654 (Order of Affirmance, December 3, 2012). Because these claims were raised on direct appeal, they are barred by the doctrine of law of the case which "cannot be avoided by a more detailed and precisely focused argument." *Hall v. State*, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). Therefore the district court did not err in denying these claims.

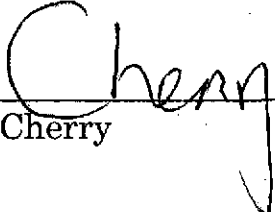
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

Next, appellant raised several claims that could have been raised on direct appeal: insufficient evidence was presented to convict him of kidnapping, the district court was biased against appellant, and the cumulative effect of these errors. Because these claims could have been raised on direct appeal, they were waived, and appellant failed to demonstrate cause for failing to present them and prejudice. NRS 34.810(1)(b)(2). Therefore, the district court did not err in denying these claims, and we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Jennifer P. Togliatti, District Judge
Anthony Demetrius Funches
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk