

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUAN RICO DOSS,

No. 36278

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

DEC 18 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Becker*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

We have reviewed the record on appeal and for the reasons stated in the attached order of the district court, we conclude that the district court properly denied appellant's petition. Therefore, briefing and oral argument are not warranted in this case.¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.²

Shearing J.

Shearing

Rose J.

Rose

Becker J.

Becker

cc: Hon. Donald M. Mosley, District Judge
Attorney General/Carson City
Clark County District Attorney
Juan Rico Doss
Clark County Clerk

¹See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

²We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.

1 **ORDR**
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

FILED

JUN 26 2 46 PM '00

Elizabeth A. ...
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

10 JUAN RICO DOSS,
11 #1523179

12 Defendant.

Case No.. C160330
Dept. No. XIV
Docket T

13
14 FINDINGS OF FACT, CONCLUSIONS OF
15 LAW AND ORDER

16 DATE OF HEARING: 05-24-00
17 TIME OF HEARING: 9:00 A.M.

18 THIS CAUSE having come on for hearing before the Honorable DONALD M.
19 MOSLEY, District Judge, on the 24th day of May, 2000, the Petitioner not being present, in
20 Proper Person, the Respondent being represented by STEWART L. BELL, District Attorney,
21 by and through RANDALL F. WEED, Deputy District Attorney, and the Court having
22 considered the matter, including briefs, transcripts, arguments of counsel, and documents on file
23 herein, now therefore, the Court makes the following findings of fact and conclusions of law:

24 FINDINGS OF FACT

25 1. Juan Rico Doss, hereinafter the Defendant, plead guilty to two counts of Pandering
26 of a Child (Felony- NRS 200.300(a)) and one count of Live From the Earnings of a Prostitute
27 (Felony-NRS 201.320). The Defendant was sentenced to a maximum term of one hundred
28 twenty (120) months, with a minimum parole eligibility of forty-eight (48) months in the Nevada
Department of Prisons for Count I; Count II to a maximum of one hundred twenty (120) months

1 4. The Defendant failed to offer any explanation as to why the issues concerning
2 alleged error in the pre-trial or trial proceedings were not raised during prior proceedings.
3 Because the Defendant's conviction was based upon a guilty plea, the issues are deemed waived
4 and procedurally barred in accordance with NRS 34.810(1)(a). Furthermore, the allegations
5 raised by the Defendant are belied by the record and lack merit. The Defendant was given notice
6 of the charges in a criminal complaint filed on or about June 1, 1999 and in a Information filed
7 July 20, 1999. The allegation that the victims did not complain to the police that the Defendant
8 was forcing them into prostitution, that they were being forced to testify, or that they were not
9 arrested committing any act of prostitution is repudiated by the witnesses' testimony during the
10 preliminary hearing. (Reporter's Transcript of Proceedings, Case No. 99F08158A, July 13,
11 1999). In Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984), the Nevada Supreme Court
12 held a defendant is not entitled to relief on allegations repelled and belied by the record. Id. at
13 502. The Defendant's allegations are clearly repelled and belied by the record as well as
14 procedurally barred NRS 34.810.

15 ORDER


16 THEREFORE, IT IS HEREBY ORDERED that the Defendant's Petition for Writ of
17 Habeas Corpus (Post-Conviction) shall be, and it is, hereby denied.

18 DATED this 23 day of June, 2000.

19 **DONALD M. MOSLEY**

20 DISTRICT JUDGE

21
22 STEWART L. BELL
23 DISTRICT ATTORNEY
24 Nevada Bar #000477

25 BY 
26 RANDALL F. WEED
27 Deputy District Attorney
28 Nevada Bar #000082