

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BILLY EDWARD CARR, A/K/A  
WILLIAM CARR,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 68899

**FILED**

AUG 17 2016

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

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

First, appellant Billy Carr claims the district court erred in denying his petition because he was deprived of due process and an impartial jury when a prosecution witness was allowed to narrate the events depicted in a security video for the jury. The district court found this claim was addressed on direct appeal and the Nevada Supreme Court's decision in that appeal was now the law of the case. The record supports the district court's finding and we conclude it did not err in rejecting this claim. *See Carr v. State*, Docket No. 57553 (Order of Affirmance, July 27, 2012), at 10-12; *Pellegrini v. State*, 117 Nev. 860, 888, 34 P.3d 519, 538 (2001); *Hall v. State*, 91 Nev. 314, 315, 535 P.2d 797, 798 (1975).

Second, Carr claims the district court erred in denying his petition because he was deprived of due process and an impartial jury when the prosecution was allowed to introduce evidence of the bad act he committed in the Excalibur in 2009. The district court found this claim was addressed on direct appeal and the Nevada Supreme Court's decision in that appeal was now the law of the case. The record supports the district court's finding and we conclude it did not err in rejecting this claim. *See Carr v. State*, Docket No. 57553 (Order of Affirmance, July 27, 2012), at 7-9; *Pellegrini*, 117 Nev. at 888, 34 P.3d at 538; *Hall*, 91 Nev. at 315, 535 P.2d at 798.

Third, Carr claims the district court erred in denying his petition because he received ineffective assistance of counsel. In his petition, Carr argued defense counsel were ineffective for failing to convey a plea offer and seek the exclusion of Robert Zeihen's testimony. The district court conducted an evidentiary hearing and found defense counsel conveyed the plea to Carr and any motion or objection to Zeihen's testimony would have been futile because the testimony was properly admitted. The district court's factual findings are supported by the record and are not clearly wrong, and we conclude Carr has not demonstrated defense counsel were ineffective in these regards. *See Strickland v. Washington*, 466 U.S. 668, 687 (1984); *Ennis v. State*, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006); *Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005).


Fourth, Carr claims the district court erred by denying his petition because the cumulative effect of the errors enumerated in his

petition mandated reversal. The district court did not find any error and there was no error to cumulate. Accordingly, Carr has not demonstrated error in this regard.

Having concluded Carr is not entitled to relief, we  
ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Elissa F. Cadish, District Judge  
Law Office of Julian Gregory, LLC  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk