

IN THE SUPREME COURT OF THE STATE OF NEVADA

WARREN W. LABRUM,
Appellant,
vs.
WARDEN, NORTHERN NEVADA
CORRECTIONAL CENTER, DON
HELLING,
Respondent.

No. 40722

FILED

NOV 14 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
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.

On September 18, 2000, the district court convicted appellant, pursuant to a plea of nolo contendere, of one count of attempted sexual assault. The district court adjudicated appellant a habitual criminal and sentenced appellant to serve a term of life in the Nevada State Prison with the possibility of parole. This court affirmed appellant's judgment of conviction on appeal.¹ The remittitur issued December 13, 2001.

On December 10, 2002, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On

¹Labrum v. State, Docket No. 36894 (Order of Affirmance, November 16, 2001).

December 17, 2002, the district court denied appellant's petition. This appeal followed.

In his petition, appellant contended that he received ineffective assistance of counsel for the following reasons: (1) the State failed to raise the habitual criminal allegation in the amended criminal information; (2) the 1966 convictions should not have been used because the convictions were infirm on their face; (3) the district court abused its discretion in adjudicating appellant a habitual criminal; and (4) the 1966 convictions should have been treated as a single conviction.


Based upon our review of the record on appeal, we conclude that the district court did not err in denying appellant's petition. First, we note that appellant failed to articulate how counsel was ineffective for each of the errors identified above.² More importantly, this court considered and rejected each of the underlying errors set forth above on direct appeal. Because each of the underlying issues has been fully litigated and determined to lack merit, appellant cannot demonstrate that his counsel was ineffective in this regard.³ Finally, to the extent that appellant raised any of these errors as separate claims for relief, the doctrine of the law of the case prevents further litigation of these issues.⁴ Therefore, we affirm the order of the district court.


²See Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).


³See Strickland v. Washington, 466 U.S. 668 (1984); Warden v. Lyons, 100 Nev. 430, 683 P.2d 504 (1984).

⁴See Hall v. State, 91 Nev. 314, 535 P.2d 797 (1975).

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.⁵ Accordingly, we ORDER the judgment of the district court AFFIRMED.


_____, J.
Becker


_____, J.
Shearing


_____, J.
Gibbons

cc: Hon. Michael R. Griffin, District Judge
Warren W. Labrum
Attorney General Brian Sandoval/Carson City
Carson City Clerk

⁵See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).