

IN THE SUPREME COURT OF THE STATE OF NEVADA

CORNELIUS EDWARD BROWN, SR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59376

FILED

APR 11 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; David B. Barker, Judge.

In his petition filed on June 2, 2011,² appellant first claimed that the district court erred in denying a motion for continuance. This claim was considered and rejected on direct appeal. Brown v. State, Docket No. 53891 (Order of Affirmance, February 3, 2011). The doctrine of the law of the case prevents further litigation of this claim. See Hall v. State, 91 Nev. 314, 535 P.2d 797 (1975). Therefore, we conclude that the district court did not err in denying this claim.

Next, appellant claimed: (1) the prosecutor committed misconduct by making a disparaging comment about the complaining

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

²Appellant filed his petition in proper person and did not seek the appointment of counsel.

witness behind her back, (2) the district court erred in denying him a DNA expert, (3) African Americans were excluded from the jury venire, (4) the prosecution was racially motivated, and (5) the district court denied him a fair trial and the ability to present a competent defense. These claims were waived as they could have been raised on direct appeal and appellant failed to demonstrate good cause for his failure to do so. NRS 34.810(1)(b). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Cherry, J.
Cherry

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Hon. David B. Barker, District Judge
Cornelius Edward Brown, Sr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk