

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PIERRE TAVON RAYMOND,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75963-COA

FILED

APR 16 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Pierre Tavon Raymond appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on February 14, 2018.¹ Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

Raymond's postconviction habeas petition is largely incomprehensible and lacks specific factual allegations that would entitle him to relief. First, Raymond appears to claim that judicial officers abused their discretion during pretrial proceedings in the justice court and the district court. The district court found this claim was waived because it was not raised on direct appeal. We agree and conclude the district court did not err by rejecting this claim. See NRS 34.810(1)(b)(2); *Franklin v. State*, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (“[C]laims that are appropriate for a direct appeal must be pursued on direct appeal, or they will be considered waived in subsequent proceedings.”), *overruled on other grounds by Thomas v. State*, 115 Nev. 148, 150, 979 P.2d 222, 223-24 (1999).

¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

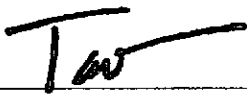
Second, Raymond appears to claim the State committed prosecutorial misconduct. The district court found this claim was waived because it was not raised on direct appeal. We agree and conclude the district court did not err by rejecting this claim. See NRS 34.810(1)(b)(2); *Franklin*, 110 Nev. at 752, 877 P.2d at 1059.

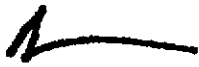
Third, Raymond appears to claim he was deprived of effective assistance of counsel. The district court found Raymond made bare and naked claims of ineffective assistance of counsel, he failed to assert any specific allegations that would warrant relief, and he did not allege that he was unable to actively participate in the defense or that counsel did not adequately defend him. The district court's findings are supported by substantial evidence and are not clearly wrong. We conclude Raymond failed to demonstrate counsel was ineffective and the district court did not err by rejecting this claim. See *Strickland v. Washington*, 466 U.S. 668, 687 (1984) (establishing the two-part test for ineffective assistance of counsel); *Means v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004) (holding a petitioner must prove the facts underlying his ineffective-assistance-of-counsel claim by a preponderance of the evidence); *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984) (explaining a petitioner is not entitled to postconviction relief if his claims are bare or naked).

Fourth, Raymond appears to claim he was falsely imprisoned. The district court found this "claim was nothing more than a nonsensical jumble of words and at no point did he make a recognizable argument." To the extent this claim can even be raised in a postconviction habeas petition, we conclude Raymond failed to demonstrate that his judgment of conviction is invalid and he is not entitled to relief. See generally NRS 34.720; NRS 34.724(1).

Having concluded Raymond is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. William D. Kephart, District Judge
Pierre Tavon Raymond
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²To the extent the district court's judgment relied upon *Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987), its reliance was misplaced. Raymond is a pro se litigant and he was only required to "[t]ell [his] story briefly without citing cases or law." NRS 34.735 (setting forth the pleading requirements for a postconviction habeas petition).