


IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD LEE HEIMAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 50295

**FILED**

DEC 02 2008

FRANCIS K. LINDEMAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count each of aggravated stalking and burglary. Second Judicial District Court, Washoe County; Janet J. Berry, Judge. The district court sentenced appellant Ronald Lee Heiman to serve concurrent prison terms of 72-180 months and 48-120 months.

First, Heiman contends that he received ineffective assistance of counsel. Specifically, Heiman claims that trial counsel failed to (1) introduce letters the victim, his wife, wrote to him while he was incarcerated which indicated that the prosecutor coerced her into testifying against him; (2) present evidence that the victim "has been diagnosed with schizophrenia and bipolar disorder and was a meth user;" and (3) present evidence that a witness "had been arrested for prostitution." This court has repeatedly stated that, generally, claims of ineffective assistance of counsel will not be considered on direct appeal; such claims must be presented to the district court in the first instance in a post-conviction proceeding where factual uncertainties can be resolved in

an evidentiary hearing.<sup>1</sup> We conclude that Heiman has failed to provide this court with any reason to depart from this policy in his case.<sup>2</sup>

Second, Heiman contends that the prosecutor coerced the victim into testifying against him. The extent of Heiman's claim is that "[a]fter the trial, [his] sister spoke with [the victim], who told her that the deputy district attorney grabbed [her] by the arms and proceeded to threatened [sic] her. He told her that if she did not testify against Mr. Heiman, he would put her in jail." Heiman, however, did not raise this allegation of prosecutorial misconduct in the district court and fails to point out anything in the record on appeal that supports his claim. Additionally, we note that Heiman's counsel asked the victim, on recross-examination, whether she had written to Heiman while he was in custody and told him that the prosecutor "had been rough" and persuaded her to testify against him. The victim stated that she did not recall doing so. On further direct examination, the victim testified that "[e]verything I wrote to him was false to tell him what he wanted to hear." Therefore, we conclude that Heiman's contention is without merit.

Third, Heiman contends that the prosecutor committed misconduct by obtaining a no-contact order preventing him from contacting his wife, the victim. Heiman also claims that the prosecutor "had no right to review and copy letters written by [him] while in custody."

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<sup>1</sup>See Johnson v. State, 117 Nev. 153, 160-61, 17 P.3d 1008, 1013 (2001).

<sup>2</sup>See id.; see also Archanian v. State, 122 Nev. 1019, 1036, 145 P.3d 1008, 1021 (2006), cert. denied, \_\_\_ U.S. \_\_\_, 127 S. Ct. 3005 (2007).

Heiman has not provided any legal authority or cogent argument in support of his allegation of prosecutorial misconduct.<sup>3</sup> Moreover, we note that, at Heiman's sentencing hearing, the district court lifted the no-contact order. Therefore, we conclude that Heiman's contention is without merit.

Finally, Heiman contends that the district court relied on an error in the presentence investigation report (PSI) when sentencing him. Specifically, Heiman notes that the PSI incorrectly states that he was at one time incarcerated for possession of a controlled substance. Heiman also claims that he was not given enough time to review the PSI for factual accuracy. At his sentencing hearing, however, Heiman informed the district court that his sentence for possession was suspended and that he was never incarcerated for that crime. The record indicates that the district court accepted Heiman's explanation. Additionally, Heiman does not allege on appeal that there were any further inaccuracies in the PSI. And finally, we note that the sentence imposed was within the parameters provided by the relevant statutes,<sup>4</sup> and the district court did not abuse its discretion at sentencing.<sup>5</sup>

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<sup>3</sup>Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) ("It is appellant's responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court.").


<sup>4</sup>See NRS 200.575(2); NRS 205.060(2).

<sup>5</sup>See Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976); see also Allred v. State, 120 Nev. 410, 420, 92 P.3d 1246, 1253 (2004).

Having considered Heiman's contentions and concluded that they are without merit, we

ORDER the judgment of conviction AFFIRMED.<sup>6</sup>

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Janet J. Berry, District Judge  
Michael V. Roth  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk  
Ronald Lee Heiman

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<sup>6</sup>Because Heiman is represented by counsel in this matter, we decline to grant him permission to file documents in proper person in this court. See NRAP 46(b). Accordingly, this court shall take no action on and shall not consider the proper person documents Heiman has submitted to this court in this matter.