

IN THE SUPREME COURT OF THE STATE OF NEVADA

MANUEL ZEPEDA A/K/A MANUEL  
ESPINOZA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54228

**FILED**

JUN 10 2010

ORDER OF AFFIRMANCE

TRAVIS K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

This is an appeal from an order of the district court denying appellant's post-conviction petition for writ of habeas corpus. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

Appellant argues that the district court erred in not granting him an evidentiary hearing on claims of ineffective assistance of trial counsel. To warrant an evidentiary hearing, a petitioner must raise claims supported by specific factual allegations that, if true, would entitle him to relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984).

Appellant claims counsel was ineffective for failing to (a) interview or call defense witnesses to impeach the victim, (b) interview or call defense witnesses to testify regarding possible motives of the boyfriend of the victim's mother, and (c) procure an expert witness to rebut testimony of the examining nurse. Appellant made general allegations about what such witnesses might have said but failed to set forth any specific facts in support of this claim, such as the witnesses' names, whether they were available to testify at trial, and whether he informed

counsel of them. Moreover, as the jury was provided with a written transcript of appellant's confession to police, he fails to demonstrate a reasonable probability of a different outcome at trial had such witnesses been produced. See Strickland v. Washington, 466 U.S. 668, 687-88 (1984); Warden v. Lyons, 100 Nev. 430, 432-33, 683 P.2d 504, 505 (1984) (adopting the test in Strickland). We therefore conclude that the district court did not err in denying appellant's claims without an evidentiary hearing. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. Elissa F. Cadish, District Judge  
Law Offices of Gamage & Gamage  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk