

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRAVIS REMAUL DEAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54330

FILED

MAY 07 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Anderson*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying his post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

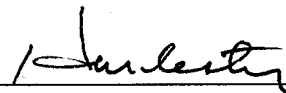
In his petition filed on August 5, 2008, appellant claimed, among other things, that his trial counsel was ineffective for failing to file an appeal after being requested to do so and informing him that he did not have a right to appeal.² See Thomas v. State, 115 Nev. 148, 150, 979 P.2d 222, 223 (1999) (providing that there is no duty for trial counsel to inform


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

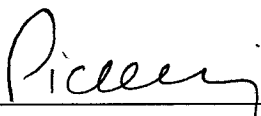
²Appellant raised a number of other claims in his petition. The district court denied the petition on October 24, 2008. On appeal, this court affirmed the decision to deny the majority of the claims, but reversed and remanded for the district court to conduct an evidentiary hearing on the appeal deprivation claim. Dean v. State, Docket No. 52767 (Order Affirming in Part, Reversing in Part, and Remanding, June 2, 2009).

a defendant pleading guilty of the right to appeal absent certain circumstances, but recognizing that trial counsel has a duty to file an appeal when requested to do so). At the evidentiary hearing, appellant's former trial counsel testified that he did not recall appellant asking for a direct appeal but that if appellant had done so, he would have filed the notice of appeal. He further testified that he did not inform appellant that he could not file an appeal. The district court denied the claim finding that no appeal was requested and no misinformation was given about the right to appeal. The district court's findings were supported by substantial evidence and were not clearly wrong. Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994). Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

³We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Kathy A. Hardcastle, District Judge
Travis R. Dean
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk