

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDUARDO CAMACHO,  
Appellant,  
vs.  
WARDEN, E.K. MCDANIEL,  
Respondent.

No. 55401

**FILED**

**APR 06 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying appellant Eduardo Camacho's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

Camacho filed a timely post-conviction petition in the district court, which was denied following an evidentiary hearing where Camacho presented no evidence. In this appeal from the district court's order, Camacho first makes several cursory claims that his trial counsel was ineffective for failing to: (1) argue or request a jury instruction that Camacho could not be convicted of burglary with the use of a deadly weapon nor of murder with the use of a deadly weapon; (2) object to the deadly weapon enhancement; (3) move for dismissal of the burglary and robbery counts or argue that insufficient evidence existed to convict him of murder because Camacho was "just there to help;" (4) argue for concurrent sentences; and (5) object to the aider/abettor instructions. To prove a claim of ineffective assistance of trial counsel, Camacho must demonstrate (1) that his counsel's performance was deficient in that it fell below an objective standard of reasonableness and (2) prejudice in that counsel's errors were so severe that they rendered the jury's verdict unreliable.

Strickland v. Washington, 466 U.S. 668, 687-88 (1984); Kirksey v. State, 112 Nev. 980, 987-88, 923 P.2d 1102, 1107 (1996). Camacho fails to demonstrate either deficiency or prejudice as his claims are not supported by argument that cites to the record and he did not provide a trial transcript to this court. It is his burden to do so in order that this court may review his claims. See McConnell v. State, 125 Nev. \_\_\_, \_\_\_ n.13, 212 P.3d 307, 316 n.13 (2009). Camacho also claims that the deficiencies of trial counsel should be cumulated to provide him with relief. Camacho has failed to prove that his trial counsel was deficient, thus his cumulative-error argument also fails. Accordingly, we cannot conclude that the district court erred in rejecting these claims.


Second, Camacho claims that insufficient evidence was adduced at trial to support his convictions and that cumulative trial error mandates reversal. These claims were waived as they should have been raised on direct appeal, and Camacho failed to articulate good cause for his failure to do so. NRS 34.810(1)(b). Accordingly, the district court did not err in rejecting them.

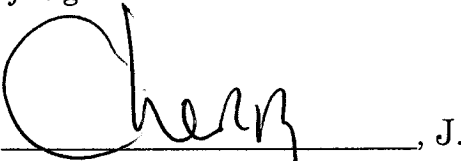
Third, Camacho raises various claims of ineffective assistance of appellate counsel. Specifically, Camacho claims that appellate counsel failed to: (1) federalize all the claims raised on direct appeal; (2) raise claims of prosecutorial misconduct; and (3) raise claims related to the trial court's use of general verdicts. Again, Camacho's claims here are bare assertions without persuasive argument or citations to the record. Additionally, to decide whether the omitted issues would have had any success on appeal, this court must review their merits. Kirksey, 112 Nev. at 998, 923 P.2d at 1114. However, review is impossible when, as here, an

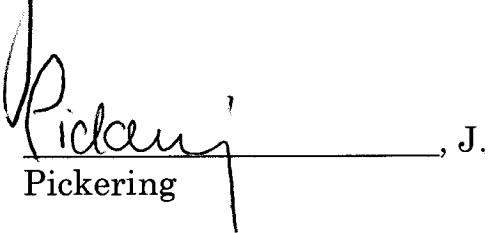
appellant fails to provide an adequate record. Accordingly, we cannot conclude that the district court erred in rejecting this claim.<sup>1</sup>

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

ORDER the judgment of the district court AFFIRMED.

  
Gibbons, J.

  
Cherry, J.

  
Pickering, J.

cc: Hon. Brent T. Adams, District Judge  
Story Law Group  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>1</sup>Similarly, we reject Camacho's contention that trial counsel was ineffective for failing to permit him to testify on his own behalf and his related claim that appellate counsel was ineffective for failing to raise this issue.