

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT M. EGLOFF,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57554

FILED

JUL 15 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's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

On appeal from the denial of his August 27, 2010, petition, appellant argues that the district court erred in denying his claims of ineffective assistance of trial counsel. When reviewing the district court's resolution of ineffective-assistance claims, we give deference to the court's factual findings if supported by substantial evidence and not clearly erroneous but review the court's application of the law to those facts de novo. Lader v. Warden, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005).

First, appellant claims that the district court erred in failing to conduct an evidentiary hearing. Because appellant has failed to support this claim with relevant authority or cogent argument, we decline to address this claim. See Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987).

Second, appellant argues that the district court erred in denying appellant's claim that his counsel was ineffective for failing to retain an expert to analyze the victim's accuracy, trustworthiness and

truthfulness in light of the techniques utilized by the police interviewer. The district court did not err in denying this claim because appellant did not demonstrate that his counsel was deficient. Appellant cited to no authority indicating that it was objectively unreasonable for counsel not to have retained such an expert. See id. Moreover, appellant failed to demonstrate prejudice because the report of the expert who appellant retained to support his claim contained a caveat that it only discussed the potential for bias and could not evaluate the veracity of the victim's claims. We therefore conclude that the district court did not err in denying this claim. See Hill v. Lockhart, 474 U.S. 52, 58-59 (1985) (establishing two-part test for evaluating claims of ineffective assistance of counsel where appellant has pleaded guilty); Kirksey v. State, 112 Nev. 980, 988, 923 P.2d 1102, 1107 (1996).


Third, appellant argues that the district court erred in denying his claim that his counsel was ineffective for not seeking a similar expert evaluation of the police interviews conducted with other witnesses. The district court did not err in denying this claim because it was a bare, naked claim, unsupported by any specific facts that, if true, would have entitled appellant to relief. Hargrove v. State, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).

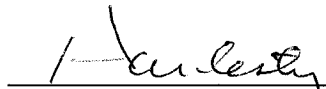
Finally, appellant argues that the district court erred in denying his claim that his counsel was ineffective for inadequately investigating the case because counsel did not thoroughly and personally discuss the case with appellant, hire an investigator to interview witnesses and conduct background checks on them, photograph or diagram the crime scene, subpoena medical records, request a physical evaluation to confirm no injury to the victim, or request a psychological

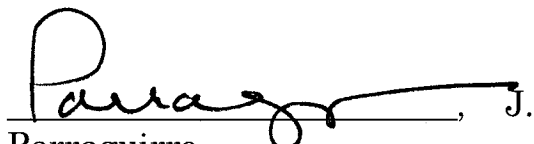
evaluation of the victim. The district court did not err in denying this claim because appellant failed to demonstrate what a more thorough investigation would have yielded or how the additional evidence would have affected his decision to plead guilty. Molina v. State, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004); see also Hargrove, 100 Nev. at 502-03, 686 P.2d at 225.

For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Valorie Vega, District Judge
Graves & Leavitt
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk