

IN THE SUPREME COURT OF THE STATE OF NEVADA

CYNTHIA L. HOLLAND-TAYLOR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58088

FILED

SEP 14 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angelica*
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a district court order denying appellant Cynthia L. Holland-Taylor's post-conviction petition for a writ of habeas corpus. Third Judicial District Court, Churchill County; David A. Huff, Judge.


Holland-Taylor contends that the district court erred by not allowing her expert witness to testify at the evidentiary hearing on her petition. We will not reverse a district court's decision regarding the admission of expert testimony absent an abuse of discretion. Grey v. State, 124 Nev. 110, 120 n.17, 178 P.3d 154, 161 n.17 (2008).

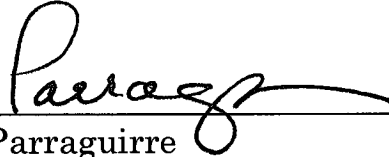
Holland-Taylor proffered Karla Butko as an expert witness with the goal of establishing that trial counsel's recommendation to accept the plea deal was not advisable. The district court allowed Butko to testify, but eventually halted the proceedings and found that her testimony was not relevant, stating, "She's testifying to assumptions she's making with no basis in fact. And I'm not going to allow it." We agree and conclude that the district court did not abuse its discretion by curtailing the testimony of Holland-Taylor's expert witness. See Brown v. State, 110 Nev. 846, 852, 877 P.2d 1071, 1075 (1994) (district court may exclude testimony of attorney proffered as an expert witness on the issue of

ineffective assistance of counsel when that testimony does not assist in resolving the issue); see also NRS 50.275. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹

 _____, J.
Douglas

 _____, J.
Hardesty

 _____, J.
Parraguirre

cc: Hon. David A. Huff, District Judge
The Law Office of Jacob N. Sommer
Attorney General/Carson City
Churchill County District Attorney
Court Administrator

¹Although we filed the fast track statement and appendix submitted by Holland-Taylor, they fail to comply with the Nevada Rules of Appellate Procedure. See NRAP 3C(e)(1)(C); NRAP 28(e)(1); NRAP 30(b)(2). The procedural history refers to matters in the record without specific citation to the appendix. The appendix only contains the transcript of the evidentiary hearing on her petition. Counsel for Holland-Taylor is cautioned that the failure to comply with the requirements for fast track statements and appendices may result in them being returned, unfiled, to be correctly prepared, NRAP 32(e), and in the imposition of sanctions, NRAP 3C(n).