

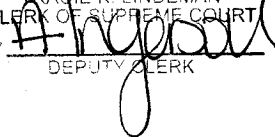
IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD ROSS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60171

FILED

JAN 16 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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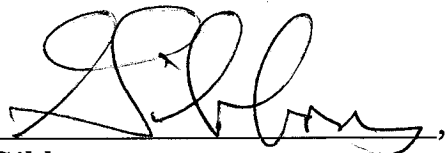
ORDER OF AFFIRMANCE

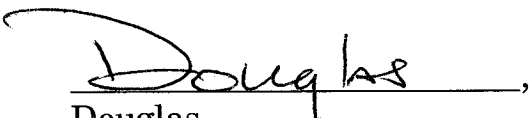
This is an appeal from an order of the district court denying appellant Ronald Ross' post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Ross argues that the district court erred by denying his claims of ineffective assistance of counsel without conducting an evidentiary hearing. He asserts that trial counsel's failure to deliver to him the proper record serves as good cause to excuse his failure to include factual support for his claims in his post-conviction petition. We disagree. To succeed on his claims, Ross was obligated to demonstrate that counsel's performance was deficient and that prejudice resulted. Strickland v. Washington, 466 U.S. 668, 687 (1984); Kirksey v. State, 112 Nev. 980, 987-88, 923 P.2d 1102, 1107 (1996). Ross is entitled to an evidentiary hearing "only if he supports his claims with specific allegations that if true would entitle him to relief." Thomas v. State, 120 Nev. 37, 44, 83 P.3d 818, 823 (2004); Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). Ross did not support his claims with factual allegations. See Hargrove, 100 Nev. at 502, 686 P.2d at 225. We have not recognized any exception to the requirement that a petition include specific factual allegations, and in any

event, counsel's failure to forward the appropriate record would not excuse such a failure. See Hood v. State, 111 Nev. 335, 338, 890 P.2d 797, 798 (1995) ("Counsel's failure to send appellant his files did not prevent appellant from filing a timely petition, and thus did not constitute good cause for appellant's procedural default."). Therefore, the district court properly denied these claims without an evidentiary hearing. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Douglas W. Herndon, District Judge
Matthew D. Carling
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk