

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER CARSWELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60987

FILED

FEB 13 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

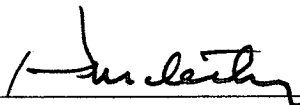
This is an appeal from a district court order denying appellant Christopher Carswell's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

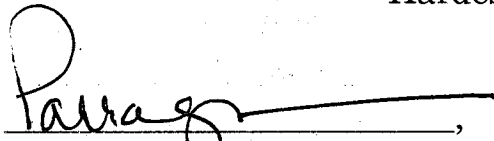
Carswell contends that the district court erred by not finding that counsel was ineffective for failing to pursue a direct appeal. We disagree. When reviewing the district court's resolution of an ineffective-assistance claim, we give deference to the court's factual findings if they are supported by substantial evidence and not clearly wrong 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). Here, the district court conducted an evidentiary hearing, heard testimony from Carswell and his former counsel, and found that Carswell's assertion that he requested an appeal was not credible. The district court concluded that counsel's performance was not deficient. See Hill v. Lockhart, 474 U.S. 52, 59 (1985); see also Strickland v. Washington, 466 U.S. 668, 687-88, 694 (1984); Kirksey v. State, 112 Nev. 980, 987, 923 P.2d 1102, 1107 (1996). We conclude that the district court's findings are supported by substantial

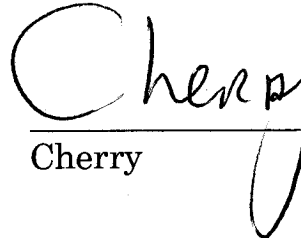
evidence and not clearly wrong, and Carswell has not demonstrated that the district court erred as a matter of law.

Carswell also claims that he is entitled to a hearing on his “original” proper person motion to withdraw his guilty plea purportedly filed prior to his sentencing hearing. Carswell failed to include his proper person motion to withdraw his guilty plea in the appendix. See Thomas v. State, 120 Nev. 37, 43 & n.4, 83 P.3d 818, 822 & n.4 (2004) (“Appellant has the ultimate responsibility to provide this court with ‘portions of the record essential to determination of issues raised in appellant’s appeal.’” (quoting NRAP 30(b)(3))). Moreover, Carswell offers no cogent argument either in support of his claim or challenging the district court’s determination that “the failure to hear Petitioner’s Motion to Withdraw Plea was harmless because Petitioner’s motion was without merit.” Therefore, we need not address the matter. See generally Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (“It is appellant’s responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court.”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Stefany Miley, District Judge
Cannon & Tannery
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk