

IN THE SUPREME COURT OF THE STATE OF NEVADA

HUBERT WILBER DRAW, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64390

FILED

FEB 12 2015

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

ORDER OF AFFIRMANCE

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

First, appellant Hubert Wilber Draw, Jr., contends that the district court erred by denying his petition. Draw claims that trial counsel were ineffective for failing to (1) request psychological evaluations of the victims, (2) challenge the admission of evidence pertaining to civil proceedings in family court, and (3) object to the admission of bad act evidence. Draw also claims that appellate counsel was ineffective for failing to (1) challenge the admission of the evidence pertaining to the civil proceedings in family court, (2) challenge the admission of bad act evidence, and (3) address an alleged violation of *Batson v. Kentucky*, 476 U.S. 79 (1986). We disagree with Draw's contentions.

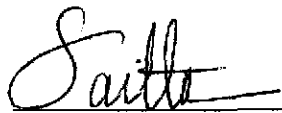
When reviewing the district court's resolution of an ineffective-assistance claim, we give deference to the court's factual findings if they are supported by substantial evidence and not clearly wrong but review the court's application of the law to those facts de novo.


Lader v. Warden, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005). Here, the district court conducted an evidentiary hearing and heard testimony from Draw's trial counsel. Draw did not testify at the evidentiary hearing and he did not call his appellate counsel to testify. The district court found that Draw failed to demonstrate that trial counsel's representation was deficient or prejudice. See *Strickland v. Washington*, 466 U.S. 668, 687-88, 694 (1984); *Kirksey v. State*, 112 Nev. 980, 987, 923 P.2d 1102, 1107 (1996); see also *Cullen v. Pinholster*, 563 U.S. ___, ___, 131 S. Ct. 1388, 1408 (2011) ("Surmounting *Strickland's* high bar is never an easy task." (quotation marks omitted) (alteration omitted)). The district court also determined that appellate counsel was not ineffective. See *Kirksey*, 112 Nev. at 998, 923 P.2d at 1113-14. We conclude that the district court's findings are supported by substantial evidence, see *Riley v. State*, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994), and the district court did not err by rejecting Draw's ineffective-assistance claims.


Draw also contends that the district court erred by denying the claims raised in his initial pro se petitions. Draw claims that his due process rights were violated (1) by missing transcripts and the alleged destruction of preliminary hearing and calendar call transcripts by a court reporter, (2) by counsel's failure to investigate and prepare for trial, and (3) because he is actually innocent. Draw, however, offers no argument with the requisite factual specificity or citation to any relevant legal authority in support of these claims, therefore, we need not address them. See *Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987).

Nevertheless, based on our review of the record, we conclude that the district court did not err by rejecting these claims. *See Lader*, 121 Nev. at 686, 120 P.3d at 1166; *see also Strickland*, 466 U.S. at 687-88; *Kirksey*, 112 Nev. at 987, 998, 923 P.2d at 1107, 1113-14. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Elissa F. Cadish, District Judge
Christopher R. Oram
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk