

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID KEITH SHULT A/K/A DAVID
KEITH SCHULT,
Appellants,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64829

FILED

JAN 15 2015

TRAGIE K. LINDSEY
CLERK OF SUPREME COURT
BY: *Angewald*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.

Appellant argues that his trial counsel was ineffective for failing to challenge or properly bring before the court the victim's lack of veracity and recantations. The State argues that this claim of ineffective assistance of counsel was not raised below and was not addressed by the district court. Having considered the documents submitted in this matter, we conclude that this claim was not properly presented to the district court and we decline to review the claim in the first instance. *See Bejarano v. State*, 122 Nev. 1066, 1071, 146 P.3d 265, 269. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Carolyn Ellsworth, District Judge
The Law Office of Dan M. Winder, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk