

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DARION MUHAMMAD-COLEMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72924

FILED

MAR 14 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

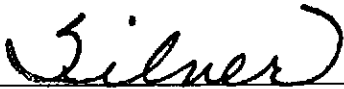
Darion Muhammad-Coleman appeals from an order of the district court denying the postconviction petition for a writ of habeas corpus he filed on May 3, 2016, and the supplemental petition he filed on June 22, 2016. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

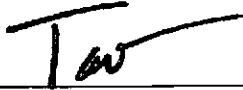
Muhammad-Coleman argues the district court erred by denying his claim counsel was ineffective for failing to file an appeal on his behalf after being requested to do so. The district court determined Muhammad-Coleman failed to demonstrate counsel was deficient. The district court held an evidentiary hearing on this claim. Counsel testified Muhammad-Coleman did not request he file an appeal. The district court found counsel to be more credible than Muhammad-Coleman. Further, the district court found it did not appear Muhammad-Coleman was dissatisfied at sentencing because Muhammad-Coleman stood silent at sentencing. Therefore, the district court denied this claim.


Substantial evidence supports the district court's decision. See *Toston v. State*, 127 Nev. 971, 978, 267 P.3d 795, 800 (2011) (discussing the limited circumstances in which defense counsel has a constitutional duty to

file a direct appeal). Accordingly, we conclude the district court did not err by denying this claim, and we

ORDER the judgment of the district court AFFIRMED.

, C.J.
Silver

, J.
Tao

, J.
Gibbons

cc: Hon. Douglas Smith, District Judge
Nguyen & Lay
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk