

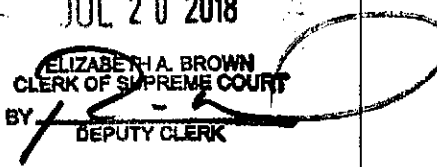
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER MICHAEL
PATTERSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74395

FILED

JUL 20 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Christopher Michael Patterson appeals from an order of the district court denying a motion for a new trial.¹ Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

In his September 12, 2017, motion, Patterson claimed the State committed prosecutorial misconduct during his trial-level proceedings and he received ineffective assistance of counsel. NRS 176.515(4) provides that a motion for a new trial based upon any grounds other than newly discovered evidence “must be made within 7 days after the verdict or finding of guilt or within such further time as the court may fix during the 7-day period.” Patterson’s motion was not based on newly discovered evidence, the motion was filed more than two years after the jury’s verdict, and the district court did not provide Patterson with further time to file a motion for a new trial. Therefore, the district court did not err by denying Patterson’s motion.

Patterson argues the district court erred by denying his motion without conducting an evidentiary hearing. To warrant an evidentiary

¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


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hearing, a petitioner must raise claims supported by specific allegations not belied by the record, and if true, would entitle him to relief. *See Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). The district court concluded Patterson failed to meet that standard and the record before this court reveals the district court's conclusions in this regard were proper.

Patterson also argues the district court erred by denying the motion without appointing postconviction counsel. After a review of the record, we conclude the district court did not abuse its discretion in this regard as this matter was not sufficiently complex so as to warrant the appointment of postconviction counsel. *See generally Renteria-Novoa v. State*, 133 Nev. ___, ___, 391 P.3d 760, 760-61 (2017).

Having concluded Patterson is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Susan Johnson, District Judge
Christopher Michael Patterson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk