

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

REGINALD CLARENCE HOWARD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74436

FILED

OCT 09 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Reginald Clarence Howard appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on June 28, 2017.¹ Eighth Judicial District Court, Clark County; J. Charles Thompson, Senior Judge.

Howard contends the district court erred by denying his claim of ineffective assistance of appellate counsel without first conducting an evidentiary hearing. To prove ineffective assistance of appellate counsel, a petitioner must show counsel's performance was deficient in that it fell below an objective standard of reasonableness and prejudice resulted in that the omitted issue would have a reasonable probability of success on appeal. *Kirksey v. State*, 112 Nev. 980, 998, 923 P.2d 1102, 1114 (1996). Both components of the inquiry must be shown. *Strickland v. Washington*, 466 U.S. 668, 697 (1984).

Howard claimed counsel was ineffective for failing to support two of his direct-appeal arguments with relevant case authority and for

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

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failing to challenge an allegedly suggestive show-up identification. Assuming, without deciding, that counsel was deficient, Howard failed to support his bare claims with specific factual allegations that, if true and not belied by the record, would have demonstrated he was prejudiced by any deficient performance. We therefore conclude the district court did not err by denying Howard's petition without first conducting an evidentiary hearing. *See Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). Accordingly, we

ORDER the judgment of the district court AFFIRMED.



C.J.

Silver



J.

Tao



J.

Gibbons

cc: Chief Judge, Eighth Judicial District Court
Hon. J. Charles Thompson, Senior Judge
Reginald Clarence Howard
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk