

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSEPH ADRIAN HERNANDEZ,  
Appellant,  
vs.  
ROBERT LEGRAND, WARDEN,  
Respondent.

No. 71649

**FILED**

OCT 11 2017

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

*ORDER OF AFFIRMANCE*

Joseph Adrian Hernandez appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eleventh Judicial District Court, Pershing County; Robert E. Estes, Senior Judge.

Hernandez first argues the district court did not apply the proper test for claims of ineffective assistance of counsel when it denied his April 17, 2013, petition and his November 6, 2013, supplemental petition. This claim lacks merit. In its order denying the petition, the district court noted the test for ineffective assistance of counsel claims contained in *Strickland v. Washington*, 466 U.S. 668, 694 (1984), and concluded Hernandez did not meet either prong of that test. The district court therefore concluded Hernandez had failed to meet his burden to demonstrate his counsel was ineffective during the trial-level proceedings. *See Means v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). Accordingly, the district court analyzed Hernandez' claims using the proper test and we conclude Hernandez is not entitled to relief.


Second, Hernandez argues the district court erred in concluding his claims hinged upon whether his counsel would have been successful in

suppressing his Idaho confession. Hernandez argues he raised multiple issues in his petition and supplemental petition, and the district court should not have concluded those issues were encompassed within one claim. However, the record before this court does not contain copies of Hernandez' postconviction petition or his supplemental petition as required by NRAP 30(b)(2), (b)(3). As the appellant, it was Hernandez' burden to provide this court with an adequate record for review. *See McConnell v. State*, 125 Nev. 243, 256 n.13, 212 P.3d 307, 316 n.13 (2009). Because Hernandez did not include copies of his postconviction petition or his supplemental petition, we are unable to review this claim.

We conclude Hernandez has failed to demonstrate he is entitled to relief, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Robert E. Estes, Senior Judge  
Miller Law, Inc.  
Attorney General/Carson City  
Pershing County District Attorney  
Pershing County Clerk