

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LUIS EDUARDO MARTINEZ,  
Appellant,  
vs.  
WARDEN, H.D.S.P.; AND THE STATE  
OF NEVADA,  
Respondents.

No. 69641

**FILED**

**AUG 16 2016**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from an order of the district court denying a postconviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

Appellant Luis Eduardo Martinez argues the district court erred in denying his April 17, 2015, petition without conducting an evidentiary hearing. "We review the district court's determination that a petitioner is not entitled to an evidentiary hearing for abuse of discretion." *Stanley v. Schriro*, 598 F.3d 612, 617 (9th Cir. 2010). A district court may reject a claim without conducting an evidentiary hearing when the claim (1) is belied by the record; (2) is not supported by specific facts, which, if true, would entitle petitioner to relief; or (3) is procedurally barred and the petitioner has failed to overcome the procedural bar. *Rubio v. State*, 124 Nev. 1032, 1046 & n.53, 194 P.3d 1224, 1233-34 & n.53 (2008).


In his petition, Martinez claimed his trial and appellate counsel were ineffective for failing to assert there was insufficient evidence presented at trial to support a finding of guilt. The district court reviewed the petition and concluded Martinez failed to raise a claim which would have entitled him to relief because the Nevada Supreme Court had


already concluded there was sufficient evidence to support the jury's guilty verdict. *Martinez v. State*, Docket No. 65522 (Order of Affirmance, November 12, 2014). Accordingly, the district court declined to conduct an evidentiary hearing and denied the petition. *See Rubio*, 124 Nev. at 1046 & n.53, 194 P.3d at 1233-34 & n.53.

On appeal, Martinez lists the claims he raised below and the conclusions of the district court. However, Martinez does not provide cogent argument regarding any errors he believes the district court made in its conclusions regarding his claims. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (explaining it is the appellant's responsibility to present relevant authority and cogent argument). Our review reveals the record supports the district court's decision to deny the petition without conducting an evidentiary hearing and Martinez has not demonstrated the district court abused its discretion in this regard. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Scott N. Freeman, District Judge  
Mary Lou Wilson  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk