

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARGARET JOYCE MODELFINO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69459

FILED

SEP 20 2016

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

ORDER OF AFFIRMANCE

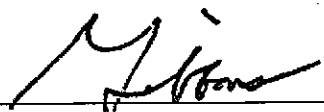
This is an appeal from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

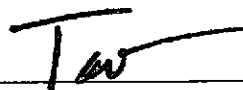
Appellant Margaret Modelfino claims the district court erred by denying her claim raised in her June 30, 2009, petition, and in her December 3, 2012, supplemental petition, that counsel was ineffective for failing to conduct an adequate pretrial investigation. The district court found Modelfino failed to demonstrate she was prejudiced by counsel's deficient performance. *See Strickland v. Washington*, 466 U.S. 668, 687-88 (1984); *Warden v. Lyons*, 100 Nev. 430, 432-33, 683 P.2d 504, 505 (1984) (adopting the test in *Strickland*). Specifically, the district court found Modelfino failed to demonstrate a reasonable probability of a different outcome at trial had counsel done further investigation to support her claim of self-defense because there was overwhelming evidence of Modelfino's guilt.

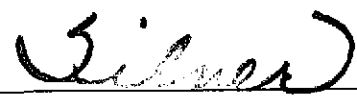
We conclude Modelfino failed to demonstrate the district court erred by denying this claim because Modelfino failed to provide this court with a copy of the trial transcript, which would be necessary for this court

to review this claim. See NRAP 30(b)(1) (“Copies of all transcripts that are necessary to the Supreme Court’s or Court of Appeals’ review of the issues presented on appeal shall be included in the appendix.”); NRAP 30(b)(3) (appellant’s appendix shall include any “portions of the record essential to determination of the issues raised in appellant’s appeal”). Therefore, Modelfino fails to demonstrate the district court erred by denying her petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Kathleen E. Delaney, District Judge
Law Office of Kristina Wildeveld
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk