

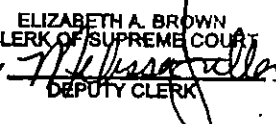
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SEAN RYAN TOM,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 87585-COA

**FILED**

JUL 30 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Sean Ryan Tom appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on May 17, 2021. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.


Tom argues the district court erred by denying his claims of ineffective assistance of counsel. The appendix submitted by Tom does not include a copy of the postconviction pleadings as required by NRAP 30(b)(2), (b)(3).<sup>1</sup> These documents are essential to this court's review because the district court did not hold an evidentiary hearing on all of Tom's claims and it determined Tom failed to allege specific facts or explain certain things in his petition. Without these pleadings, this court cannot determine whether Tom sufficiently pleaded both deficiency and prejudice with respect to each of his claims of ineffective assistance of counsel. *See Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984) (stating an evidentiary hearing is warranted if a petitioner alleges "specific factual allegations that would, if true, have entitled him to" relief); *see also Chappell v. State*, 137 Nev. 780,

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<sup>1</sup>In particular, Tom did not include a copy of his postconviction habeas petition, his supplemental memorandum in support of his petition, or the State's response to his petition in the record on appeal.

788, 501 P.3d 935, 950 (2021) (stating a petitioner alleging ineffective assistance of counsel “must *specifically explain* how his attorney’s performance was objectively unreasonable” and “specifically articulate how counsel’s deficient performance prejudiced him or her” (quotation marks omitted)). Because Tom does not include essential portions of the record for our review, he fails to demonstrate the district court erred. *See Greene v. State*, 96 Nev. 555, 558, 612 P.2d 686, 688 (1980) (“The burden to make a proper appellate record rests on appellant.”); *see also Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) (“When an appellant fails to include necessary documentation in the record, we necessarily presume that the missing portion supports the district court’s decision.”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Bulla

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Mary Kay Holthus, District Judge  
Law Office of Betsy Allen  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk