

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAYMOND EUGENE STANCEL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44890

FILED

OCT 21 2005

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

This is an appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

Appellant was originally convicted, pursuant to a guilty plea, of one count of violating an extended protective order, and sentenced to a prison term of 24 to 60 months. Appellant filed a timely proper person post-conviction petition for a writ of habeas corpus. The district court appointed counsel, who filed a supplemental petition. The district court denied a pre-hearing motion for discovery of the victim's bank records, and dismissed some of the claims in the petition. Following an evidentiary hearing on the remaining claims, the district court denied the petition.

Appellant first contends that the district court erred by denying his discovery motion. We conclude, however, that the district court correctly found that appellant had failed to demonstrate good cause for production of the bank records.¹

Appellant also contends that the district court erred by denying his claim that counsel was ineffective for failing to present witnesses at sentencing. The district court found that counsel was not

¹See NRS 34.780(2).

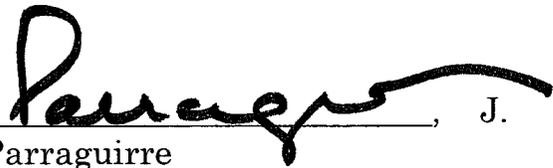
ineffective. The district court's factual findings regarding a claim of ineffective assistance of counsel are entitled to deference when reviewed on appeal.² Appellant has not demonstrated that the district court's findings of fact are not supported by substantial evidence or are clearly wrong. Moreover, appellant has not demonstrated that the district court erred as a matter of law.

Having considered appellant's contentions and concluded that they are without merit, we

ORDER the judgment of the district court AFFIRMED.³

 _____, J.
Douglas

 _____, J.
Rose

 _____, J.
Parraguirre

²See Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994).

³Although this court has elected to file the appendix submitted, it is noted that it does not comply with the arrangement and form requirements of the Nevada Rules of Appellate Procedure. See NRAP 3C(e)(2); NRAP 30(c); NRAP 32(a). Specifically, the documents were not in chronological order, the index was not arranged in alphabetical order, and some of the documents that were filed below, including orders entered by the district court were not included. Counsel is cautioned that failure to comply with the requirements for appendices in the future may result in the appendix being returned, unfiled, to be correctly prepared. See NRAP 32(c). Failure to comply may also result in the imposition of sanctions by this court. NRAP 3C(n).

cc: Hon. Steven P. Elliott, District Judge
Mary Lou Wilson
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk