

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT HUDSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43319

FILED

OCT 07 2004

ORDER OF AFFIRMANCE

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

This is an appeal from a district court order denying appellant Robert Hudson's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Sally L. Loehrer, Judge.

On December 28, 2001, Hudson was convicted, pursuant to a jury verdict, of one count each of conspiracy to commit robbery and robbery with the use of a deadly weapon. The district court sentenced Hudson to serve a prison term of 12 to 30 months for the conspiracy count, and a concurrent prison term of 24 to 62 months for the robbery count, with an equal and consecutive prison term for the use of a deadly weapon. Hudson appealed, and this court affirmed the judgment of the district court, but remanded the case for the limited purpose of correcting the judgment of conviction.¹ The remittitur issued on September 18, 2002.

On September 15, 2003, Hudson filed a proper person post-conviction petition for a writ of habeas corpus. The State opposed the petition. The district court appointed counsel to represent Hudson, and counsel filed a supplement to the petition. After hearing arguments from

¹Hudson v. State, Docket No. 39118 (Order of Affirming in Part and Remanding in Part to Correct the Judgment of Conviction, August 22, 2002).

counsel, the district court denied the petition. Hudson filed this timely appeal.

Hudson contends that the district court erred in rejecting his claim of ineffective assistance of counsel without conducting an evidentiary hearing. In particular, Hudson claims that his trial counsel was ineffective for objecting to the State's attempt to call witness Gloria Trimble. Hudson argues that the result of the trial would have been different had Trimble testified because she would have corroborated the testimony of Hudson's two alleged co-conspirators, who both testified at trial that Hudson did not participate in the planning of the robbery, but was merely present when it occurred. We conclude that Hudson's contention lacks merit.

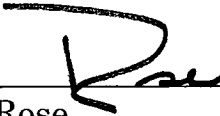
In this case, the district court found that counsel was not ineffective under the standard set forth in Strickland v. Washington.² In particular, the district court found that trial counsel's decision to object to Trimble's testimony was a reasonable tactical decision. The district court's factual findings regarding a claim of ineffective assistance of counsel are entitled to deference when reviewed on appeal.³ Hudson has not demonstrated that the district court's finding that counsel was not ineffective was not supported by substantial evidence or was clearly wrong. Moreover, Hudson has not demonstrated that the district court erred as a matter of law.


²466 U.S. 668 (1984).

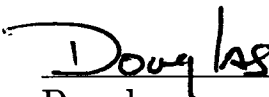
³See Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994).

Having considered Hudson's contention and concluded that it lacks merit, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Sally L. Loehrer, District Judge
Moran & Associates
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk