

IN THE SUPREME COURT OF THE STATE OF NEVADA


RANDALL TODD BREWER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44233

FILED

APR 22 2005

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

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

On October 17, 2000, appellant Randall Todd Brewer was convicted, pursuant to a guilty plea, of three counts of burglary. The district court sentenced Brewer to serve three consecutive prison terms of 48 to 120 months. Brewer appealed, and this court affirmed the judgment of conviction.¹

On May 2, 2001, Brewer 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 Brewer, and counsel supplemented the petition. After conducting an evidentiary hearing, the district court denied the petition. This appeal followed.


Brewer contends that his counsel was ineffective at sentencing in failing to: (1) investigate and present mitigating evidence that Brewer was gainfully employed and provided substantial assistance to law


¹Brewer v. State, Docket No. 37046 (Order of Affirmance, March 15, 2001).

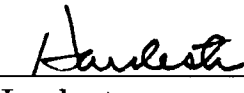
enforcement; and (2) argue that the counts should be run concurrently because they involved the same transaction.

After conducting an evidentiary hearing, the district court found that counsel was not ineffective. The district court's factual findings are entitled to deference when reviewed on appeal.² Brewer has not demonstrated that the district court's findings of fact are not supported by substantial evidence or are clearly wrong. Moreover, Brewer has not demonstrated that the district court erred as a matter of law. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

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

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