

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN MATTHEW HAWKINS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44266

FILED

APR 20 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a district court order denying appellant John Matthew Hawkins' post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

On July 23, 1993, Hawkins was convicted, pursuant to a jury verdict, of one count each of first-degree murder with the use of a deadly weapon and robbery with the use of a deadly weapon. The district court sentenced Hawkins to serve two consecutive life prison terms without the possibility of parole for the murder count and two consecutive prison terms of 15 years for the robbery count. Hawkins filed a direct appeal, and this court affirmed the judgment of conviction.¹

On December 13, 2000, Hawkins filed a proper person post-conviction petition for a writ of habeas corpus. The State opposed the petition, and Hawkins filed a reply to the opposition. The district court denied the petition, after conducting an evidentiary hearing in which

¹Hawkins v. State, Docket No. 25427 (Order Dismissing Appeal, March 2, 2000).

Hawkins was neither present nor represented by counsel. Hawkins appealed, and this court remanded the matter to the district court, ruling that Hawkins' statutory rights were violated at the hearing.²

On remand, the district court appointed counsel to represent Hawkins and conducted an evidentiary hearing. The district court denied the petition. Hawkins filed this timely appeal.

Hawkins contends that the district court erred in denying his petition because defense counsel was ineffective. In particular, Hawkins contends that defense counsel failed to adequately impeach a police officer with his written police report on the issue of Hawkins' location in the trailer at the time the victim was shot.

After conducting an evidentiary hearing, the district court found that trial counsel was not ineffective under the standard set forth in Strickland v. Washington.³ The district court's factual findings are entitled to deference when reviewed on appeal.⁴ Hawkins has failed to demonstrate that the district court's finding was not supported by substantial evidence or was clearly wrong.⁵ Moreover, Hawkins has failed to demonstrate that the district court erred as a matter of law.⁶

²Hawkins v. State, Docket No. 38013 (Order of Reversal and Remand, August 22, 2002).

³466 U.S. 668 (1984).

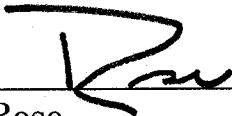
⁴See Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994).

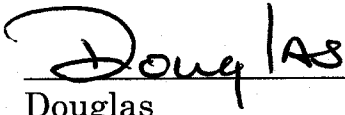
⁵See id.

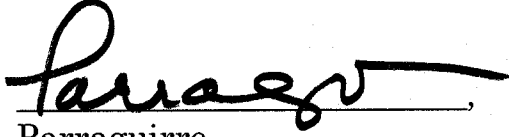
⁶See id.

Having considered Hawkins' contentions and concluded that they lack merit, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Rose


_____, J.
Douglas


_____, J.
Parraguirre

cc: Hon. Valorie Vega, District Judge
Robert L. Langford & Associates
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk