

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY LAMAR MARTIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44585

FILED

SEP 23 2005

ORDER OF AFFIRMANCE

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

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

On August 4, 1999, appellant Anthony Lamar Martin was convicted, pursuant to a jury verdict, of one count each of robbery and battery with intent to commit a crime. The district court sentenced Martin to serve a prison term of 72 to 180 months for the robbery count and a consecutive prison term of 48 to 120 months for the battery count. Martin filed a direct appeal, and this court affirmed the judgment of conviction.¹ The remittitur issued on January 2, 2002.

On December 5, 2002, Martin, with the assistance of counsel, filed a post-conviction petition for a writ of habeas corpus. The State filed

¹Martin v. State, Docket No. 34831 (Order of Affirmance, December 5, 2001).

a motion to dismiss the petition. Martin subsequently filed an amended petition, and a supplement to the amended petition. The State filed an opposition to the amended petition. After conducting an evidentiary hearing, the district court denied the petition.

Martin contends that his trial counsel was ineffective by failing to: (1) call three witnesses to corroborate the testimony establishing a dating relationship between Martin and the victim; (2) call an expert witness to testify about the trajectory of the gunshot wounds suffered by Martin; (3) subpoena the victim's telephone record to establish that Martin used her telephone to call another woman; (4) admit the audiotape of the 9-1-1 emergency call made by the victim; and (5) communicate with Martin during the pretrial and trial proceedings.

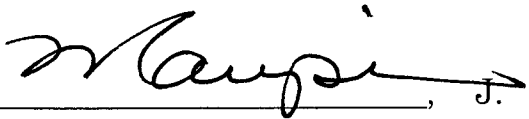
In this case, the district court found that trial counsel was not ineffective under the standard set forth in Strickland v. Washington.² The district court's factual findings regarding a claim of ineffective assistance of counsel are entitled to deference when reviewed on appeal.³ Martin has not demonstrated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

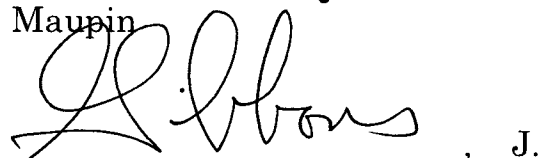
²466 U.S. 668 (1984).

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

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

ORDER the judgment of the district court AFFIRMED.

 J.

Maupin
 J.
Gibbons

 J.
Hardesty

cc: Hon. Donald M. Mosley, District Judge
Law Offices of Michael V. Cristalli, Ltd.
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk