

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALFRED EARL MILES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44888

FILED

DEC 23 2005

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's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; James W. Hardesty, Judge.

On May 23, 2001, appellant Alfred Earl Miles was convicted, pursuant to a guilty plea, of one count of trafficking in a controlled substance. The district court sentenced Miles to serve a prison term of 10 to 25 years. Miles filed a direct appeal, and this court affirmed the judgment of conviction.¹ The remittitur issued on January 14, 2002.

On September 16, 2002, Miles 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 Miles, and counsel filed a supplement to the petition. After conducting an evidentiary hearing, the district court denied the petition. Miles filed this timely appeal.

Miles contends that the district court erred in denying his petition because his defense counsel was ineffective. Citing to U.S. v.

¹Miles v. State, Docket No. 38046 (Order of Affirmance, December 17, 2001).

Leonti,² Miles contends that his defense counsel was ineffective by failing to contact law enforcement authorities in Utah to arrange for Miles to render substantial assistance.

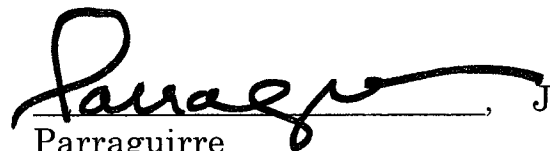
In this case, the district court found that trial counsel was not ineffective under the standard set forth in Strickland v. Washington.³ The district court's factual findings regarding a claim of ineffective assistance of counsel are entitled to deference when reviewed on appeal.⁴ Miles has not demonstrated that the district court's finding was not supported by substantial evidence or was clearly wrong. Moreover, Miles has not demonstrated that the district court erred as a matter of law.

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

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Rose


_____, J.
Parraguirre

²326 F.3d 1111 (9th Cir. 2003) (remanding for an evidentiary hearing to determine whether criminal defendant received ineffective assistance of counsel when defense attorney failed to assist criminal defendant render substantial assistance to law enforcement officials).

³466 U.S. 668 (1984).

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

cc: Second Judicial District Court Dept. 9, District Judge
Roger R. Harada
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk