

IN THE SUPREME COURT OF THE STATE OF NEVADA

USMAN ANUKU SADIQ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45279

**FILED**

JAN 19 2006

ORDER OF AFFIRMANCE

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

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

On March 14, 2003, Sadiq was convicted, pursuant to a guilty plea, of one count each of voluntary manslaughter with the use of a deadly weapon and battery with the use of a deadly weapon.<sup>1</sup> The district court sentenced Sadiq to serve two consecutive prison terms of 36-120 months for the manslaughter and a concurrent prison term of 24-96 months for the battery, and ordered him to pay \$10,000.00 in restitution. This court affirmed the judgment of conviction and sentence on direct appeal.<sup>2</sup>

On September 9, 2004, Sadiq filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The

---

<sup>1</sup>On February 13, 2002, Sadiq was charged by way of a criminal indictment with one count each of murder with the use of a deadly weapon, attempted murder with the use of a deadly weapon, and battery with the use of a deadly weapon resulting in substantial bodily harm.

<sup>2</sup>Sadiq v. State, Docket No. 41255 (Order of Affirmance, August 20, 2003). The remittitur issued on September 16, 2003.

State opposed the petition, and Sadiq filed a reply to the State's opposition. The district court denied all but one of Sadiq's claims, finding that his various allegations were belied by the record. For the remaining claim, the district court appointed counsel and counsel filed an amended supplemental petition on Sadiq's behalf. The remaining claim alleged that Sadiq received ineffective assistance of appellate counsel. The State opposed the supplemental petition. The district conducted a hearing, heard arguments from counsel, and on May 3, 2005, entered an order denying Sadiq's petition. In its order, the district court found that (1) Sadiq's guilty plea was entered knowingly, voluntarily, and intelligently; (2) Sadiq's allegations were belied by the record; and (3) appellate counsel was not ineffective "for failing to move to have [Sadiq's] guilty pleas set aside." This timely appeal followed.

Sadiq contends that the district court erred by (1) denying his claims without conducting an evidentiary hearing; and (2) finding that trial and appellate counsel were not ineffective. We disagree. The district court found that Sadiq's claim that trial counsel was ineffective was belied by the record. This court has consistently stated a habeas petitioner "is not entitled to an evidentiary hearing if the factual allegations are belied or repelled by the record."<sup>3</sup> Moreover, the district court's factual findings regarding a claim of ineffective assistance of counsel are entitled to deference when reviewed on appeal.<sup>4</sup> Sadiq has not demonstrated that the district court's findings of fact are not supported by substantial evidence

---

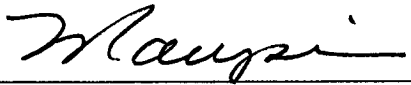
<sup>3</sup>Thomas v. State, 120 Nev. 37, 44, 83 P.3d 818, 823 (2004).

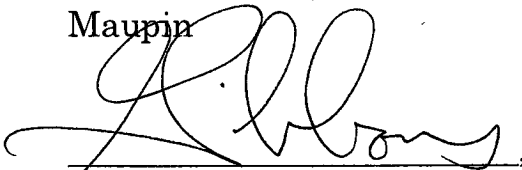
<sup>4</sup>See Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994).

or are clearly wrong. Also, Sadiq has not demonstrated that the district court erred as a matter of law.

Therefore, having considered Sadiq's contentions and concluded that they are without merit, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Sally L. Loehrer, District Judge  
JoNell Thomas  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk