

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREGORIO PEREZ LOZA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45454

FILED

JAN 11 2006

ORDER OF AFFIRMANCE

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

This is an appeal from an order of the district court denying appellant Gregorio Perez Loza's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

The district court convicted Loza, pursuant to a guilty plea, of second-degree kidnapping with the use of a deadly weapon. The district court sentenced Loza to serve a prison term of 26 to 120 months for kidnapping and an equal and consecutive prison term for the use of a deadly weapon. No direct appeal was taken.

Loza subsequently filed a proper person post-conviction petition for a writ of habeas corpus. The district court appointed counsel to represent Loza, conducted an evidentiary hearing, and denied the petition. This timely appeal follows.

Loza contends that the district court erred when it found that (1) he entered his guilty plea knowingly, voluntarily, and intelligently; (2) he was not denied his right to a direct appeal; and (3) he received effective assistance of counsel. We disagree.

The district court's factual findings are entitled to deference when reviewed on appeal.¹ In his appeal, Loza has not demonstrated or alleged that the district court's findings of fact are not supported by substantial evidence or are clearly wrong. Nor has he shown or claimed that the district court erred as a matter of law. Accordingly, we conclude that the district court did not err in denying Loza's petition, and we

ORDER the judgment of the district court AFFIRMED.

Douglas, J.
Douglas

Becker, J.
Becker

Parraguirre, J.
Parraguirre

cc: Hon. Connie J. Steinheimer, District Judge
Karla K. Butko
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

¹See Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994).