

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY MICHAEL MATHEWS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45578

GARY MICHAEL MATHEWS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45579

FILED

JAN 12 2006

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

ORDER OF AFFIRMANCE

These are consolidated appeals from an order of the district court denying appellant Gary Michael Mathews' post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

On July 29, 2003, Mathews was convicted, pursuant to guilty pleas, of one count each of possession of a forged instrument (district court case no. CR03-0089) and uttering a forged instrument (district court case no. CR03-1142). In exchange for Mathews' guilty pleas, the State agreed to dismiss additional felony charges and not pursue habitual criminal adjudication. The district court sentenced Mathews to serve two consecutive prison terms of 19-48 months and ordered him to pay

restitution totaling \$1967.98 to multiple victims. Mathews did not pursue a direct appeal from the judgments of conviction.

On March 24, 2004, Mathews filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The district court appointed counsel to represent Mathews, and counsel filed supplemental points and authorities in support of the petition. The State opposed Mathews' petition. The district court conducted an evidentiary hearing, and on June 21, 2005, entered an order denying Mathews' petition. This timely appeal followed.

Mathews contends that the district court erred in denying his habeas petition. Mathews claims that his (1) guilty plea was invalid because he was "threatened to enter his plea," and (2) counsel was ineffective at sentencing by failing to present mitigating evidence. We disagree.

The district court found that Mathews' counsel was not ineffective and that his valid guilty plea was entered knowingly and voluntarily. The district court's factual findings are entitled to deference when reviewed on appeal.¹ In his appeal, Mathews has not demonstrated that the district court's findings of fact are not supported by substantial evidence or are clearly wrong. Moreover, Mathews has not demonstrated

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

that the district court erred as a matter of law. Therefore, we conclude that the district court did not err in denying Mathews' petition.

Accordingly, having considered Mathews' contentions and concluded that they are without merit, 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
Mary Lou Wilson
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk