

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACK BRANDON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45726

FILED

FEB 17 2006

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. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

On November 26, 2002, appellant Jack Brandon was convicted, pursuant to a jury verdict, of one count of burglary and two counts of robbery. The district court sentenced Brandon to serve a prison term of 12 to 72 months for the burglary count and two concurrent prison terms of 24 to 120 months for the robbery counts. Brandon filed a direct appeal, and this court affirmed the judgment of conviction.¹

On February 28, 2005, Brandon, with the assistance of counsel, filed a post-conviction petition for a writ of habeas corpus. The State opposed the petition. After conducting an evidentiary hearing, the district court denied the petition. Brandon filed this timely appeal.

Brandon contends that the district court erred in denying his petition because defense counsel was ineffective. In particular, Brandon contends that defense counsel failed to present expert testimony and

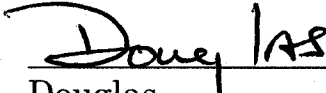
¹Brandon v. State, Docket No. 45726 (Order of Affirmance, March 5, 2004).

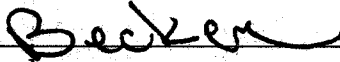
admit a GPS printout to prove that Brandon had backed into the parking space outside the bar where the robbery occurred.

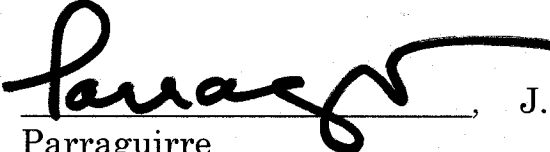
After conducting an evidentiary hearing, the district court found that trial counsel was not ineffective under the standard set forth in Strickland v. Washington.² The district court's factual findings are entitled to deference when reviewed on appeal.³ Brandon has failed to demonstrate that the district court's finding was not supported by substantial evidence or was clearly wrong.⁴ Moreover, Brandon has failed to demonstrate that the district court erred as a matter of law.⁵

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

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Becker


_____, J.
Parraguirre

²466 U.S. 668 (1984).

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

⁴See id.

⁵See id.

cc: Hon. Donald M. Mosley, District Judge
Goodman & Chesnoff
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk