

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY D. DILLMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45909

FILED

MAR 14 2006

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

This is an appeal from an order of the district court denying appellant Gary D. Dillman's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

Dillman contends that the district court erred by denying his habeas petition without conducting an evidentiary hearing. Specifically, Dillman argues that (1) counsel was ineffective for failing to interview a potential witness who would have testified that she saw Dillman drinking alcohol after the fatal accident; (2) because of his medications, he was not competent to enter his guilty plea and counsel was ineffective for not requesting a competency hearing; and (3) counsel informed him that he would receive a sentence of "around four years." We disagree.

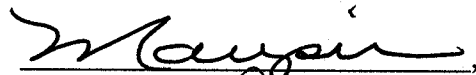
The district court found that Dillman's assignments of error were "bare and unsubstantiated."¹ This court has consistently stated that a habeas petitioner "is not entitled to an evidentiary hearing if the factual

¹See generally Hargrove v. State, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).

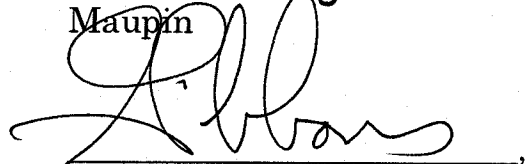
allegations are belied or repelled by the record.”² Moreover, the district court found that counsel was not ineffective and that Dillman’s guilty plea was validly entered. The district court’s factual findings are entitled to deference when reviewed on appeal.³ Dillman has not demonstrated that the district court’s findings of fact are not supported by substantial evidence or are clearly wrong. Moreover, Dillman has not demonstrated that the district court erred as a matter of law. Therefore, we conclude that the district court did not err in denying Dillman’s petition.

Having considered Dillman’s contentions and concluded that they are without merit, we

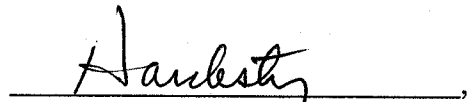
ORDER the judgment of the district court AFFIRMED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Lee A. Gates, District Judge
Christopher R. Oram
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

²Thomas v. State, 120 Nev. 37, 44, 83 P.3d 818, 823 (2004).

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