

IN THE SUPREME COURT OF THE STATE OF NEVADA

IGNACIO BARAJAS MACIAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46222

FILED

JUL 07 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's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Appellant Ignacio Macias pleaded guilty to three counts of trafficking in a controlled substance. On September 10, 2002, Macias was sentenced to a prison term of 12-36 months for count I, 24-84 months for count II, and 10-25 years for count III, all to be served concurrently.

Macias filed a timely direct appeal, and this court affirmed the decision of the district court.¹ Macias filed a petition for a writ of habeas corpus on June 3, 2003. The district court held an evidentiary hearing and subsequently denied the writ.

In the petition, Macias presented claims of ineffective assistance of counsel. The district court found that counsel was not

¹Macias v. State, Order of Affirmance, Docket No. 40351 (January 28, 2003).

ineffective. The district court's factual findings regarding a claim of ineffective assistance of counsel are entitled to deference when reviewed on appeal.² Macias has not demonstrated that the district court's findings of fact are not supported by substantial evidence or are clearly wrong. Moreover, Macias has not demonstrated that the district court erred as a matter of law.

Macias also claimed in his petition that his guilty plea was involuntarily entered. The district court concluded that the guilty plea was valid. "On appeal from the district court's determination, we will presume that the lower court correctly assessed the validity of the plea, and we will not reverse the lower court's determination absent a clear showing of an abuse of discretion."³ Macias has not demonstrated an abuse of discretion by the district court.

Finally, Macias contends that the district court improperly restricted his evidentiary hearing to the issue of whether his plea was invalid due to the court interpreter's failure to translate accurately. Although the district court entered an order indicating the hearing would be limited to that issue, Macias was in fact allowed to go into a variety of claims at the evidentiary hearing.⁴

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

³Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986).

⁴Mann v. State, 118 Nev. 351, 354, 46 P.3d 1228, 1230 (2002).

Having considered Macias' contentions and concluded that they are without merit, we

ORDER the judgment of the district court AFFIRMED⁵.

Douglas, J.
Douglas

Becker, J.
Becker

Parraguirre, J.
Parraguirre

cc: Hon. Connie J. Steinheimer, District Judge
Edwin T. Basl
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk
Ignacio Barajas Macias

⁵Because appellant is represented by counsel in this matter, we decline to grant appellant permission to file documents in proper person in this court. See NRAP 46(b). Accordingly, the clerk of this court shall return to appellant unfiled all proper person documents appellant has submitted to this court in this matter.