

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIFFANY LYNN BASA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47378

FILED

OCT 17 2006

BY MANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

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; Brent T. Adams, Judge.

Appellant Tiffany Basa contends that her counsel was ineffective for failing to present mitigating evidence of her personality disorder at sentencing. To state a claim of ineffective assistance of counsel sufficient to invalidate a judgment of conviction based on a guilty plea, a petitioner must demonstrate that her counsel's performance fell below an objective standard of reasonableness and that she was prejudiced by counsel's performance.¹

At the evidentiary hearing, the district court heard expert testimony describing the potential personality disorder of Ms. Basa and its impact on her life. The district court concluded that "[o]n the whole, the evidence was aggravating, not mitigating," and that "reasonable counsel would have declined to present the evidence." Further, the district court found that it was not probable that a different sentence would have been imposed had such testimony been presented at the original sentencing.

¹See Hill v. Lockhart, 474 U.S. 52 (1985); Kirksey v. State, 112 Nev. 980, 923 P.2d 1102 (1996).

The district court's factual findings regarding a claim of ineffective assistance of counsel are entitled to deference when reviewed on appeal.² Moreover, Basa has not demonstrated that the district court erred as a matter of law. We therefore conclude that the district court did not err by denying the petition.

Having considered Basa's contention and concluded that it is without merit, we

ORDER the judgment of the district court AFFIRMED.

Becker, J.
Becker

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. Brent T. Adams, District Judge
Mary Lou Wilson
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

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