

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSHUA JAMES RAMIREZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48117

FILED

FEB 23 2007

MANETTE M. BLOOM
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying appellant Joshua James Ramirez's post-conviction petition for a writ of habeas corpus. Third Judicial District Court, Lyon County; Robert E. Estes, Judge.

Ramirez contends that the district court erred by denying his habeas petition without conducting an evidentiary hearing. Specifically, Ramirez contends that trial counsel was ineffective for failing to (1) investigate; (2) contact, interview, and present witnesses; (3) object to hearsay; and (4) inform the justice court that she was not prepared for trial and request a continuance. We disagree.

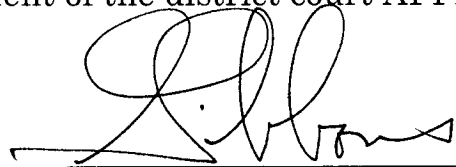
The district court found that Ramirez did not receive ineffective assistance of counsel and that he was not entitled to an evidentiary hearing.¹ The district court's factual findings are entitled to

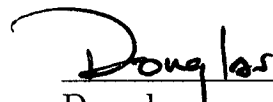
¹See Thomas v. State, 120 Nev. 37, 44, 83 P.3d 818, 823 (2004) (holding that a habeas petitioner "is not entitled to an evidentiary hearing if the factual allegations are belied or repelled by the record"); see also Hargrove v. State, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).

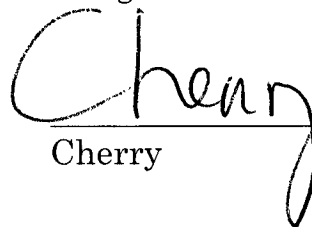
deference when reviewed on appeal.² Ramirez has not demonstrated that the district court's findings of fact are not supported by substantial evidence or are clearly wrong. Moreover, Ramirez has not demonstrated that the district court erred as a matter of law. Therefore, we conclude that the district court did not err in denying Ramirez's petition.

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

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Robert E. Estes, District Judge
William B. Cole Jr.
Attorney General Catherine Cortez Masto/Carson City
Lyon County District Attorney
Lyon County Clerk

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