

IN THE SUPREME COURT OF THE STATE OF NEVADA

TONY DEANGELO SWANSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48178

FILED

APR 06 2007

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant Tony Deangelo Swanson's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

In the petition, Swanson presented claims of ineffective assistance of counsel. Specifically, Swanson contended that trial counsel, up until his withdrawal, was ineffective for failing to interview and investigate witnesses. Additionally, Swanson contended that appellate counsel was ineffective for failing to (1) raise the issue of a prejudicial remark allegedly made by the bailiff, (2) challenge the composition of the jury, (3) argue that trial counsel was ineffective for failing to subpoena certain witnesses, and (4) "federalize" the direct appeal issues. Swanson also made several arguments that either were, or should have been, raised in his direct appeal.

The district court found that counsel were not ineffective. The district court also rejected Swanson's direct appeal issues.¹ The district

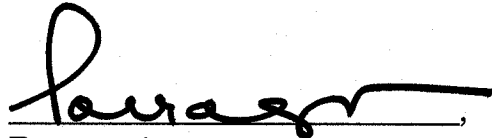
¹See Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) ("claims that are appropriate for a direct appeal must be pursued on direct appeal, or they will be considered waived in subsequent proceedings"), overruled on other grounds by Thomas v. State, 115 Nev.

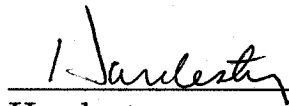
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court's factual findings are entitled to deference when reviewed on appeal.² Our review of the record on appeal reveals that the district court's findings of fact are supported by substantial evidence and are not clearly wrong. Moreover, we conclude that the district court did not err as a matter of law.

Therefore, having reviewed the record on appeal and for the reasons set forth above, we conclude that Swanson is not entitled to relief and that briefing and oral argument are unwarranted.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁴


_____, J.
Parraguirre


_____, J.
Hardesty


_____, J.
Saitta

... continued

148, 979 P.2d 222 (1999); see also Hall v. State, 91 Nev. 314, 315-16, 535 P.2d 797, 798-99 (1975) (this court's prior decision on an issue is the law of the case and bars reconsideration of the same issue).

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

³See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁴We have reviewed the document Swanson has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon that submission is warranted.

cc: Hon. Donald M. Mosley, District Judge
Tony Deangelo Swanson
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk