

IN THE SUPREME COURT OF THE STATE OF NEVADA

HARRY DODD JIM,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 48436

FILED

APR 26 2007

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

This is an appeal from an order of the district court denying appellant Harry Dodd Jim's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

The district court convicted Jim, pursuant to a plea of no contest, of one count of attempted sexual assault. The district court sentenced Jim to serve a prison term of 72 to 180 months. We affirmed the judgment of conviction on direct appeal.<sup>1</sup>

Jim filed a timely proper person post-conviction petition for a writ of habeas corpus. The district court appointed counsel to represent Jim, and counsel supplemented Jim's petition. Thereafter, the district court denied Jim's petition without first ordering a response from the State and conducting an evidentiary hearing. We concluded that Jim was

---

<sup>1</sup>Jim v. State, Docket No. 37136 (Order of Affirmance, November 16, 2001).

entitled to an evidentiary hearing and reversed the district court's judgment on appeal.<sup>2</sup>

On remand, the district court appointed new counsel to represent Jim and conducted an evidentiary hearing. The district court denied the petition after finding that Jim received effective assistance of counsel; entered his no contest plea knowingly, voluntarily, and intelligently; and was mentally competent at all relevant times. This appeal follows.

Jim claims that the district court erred in finding that he received effective assistance of counsel. However, the district court's factual findings are entitled to deference when reviewed on appeal.<sup>3</sup> In his appeal, Jim has not demonstrated that the district court's findings of fact are not supported by substantial evidence or are clearly wrong. Nor has he shown that the district court erred as a matter of law. Accordingly, we conclude that Jim has failed to demonstrate that the district court abused

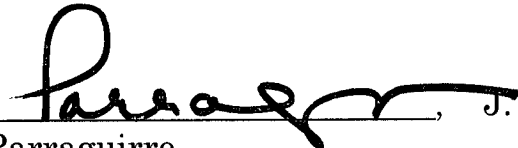
---

<sup>2</sup>Jim v. State, Docket No. 39641 (Order of Reversal and Remand, August 20, 2002).

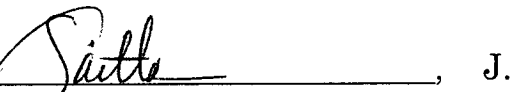
<sup>3</sup>See Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994).

its discretion by denying his petition. We therefore

ORDER the judgment of the district court AFFIRMED.

  
Parraguirre

  
Hardesty

  
Saitta

cc: Hon. Steven R. Kosach, District Judge  
Hardy & Associates  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk