

IN THE SUPREME COURT OF THE STATE OF NEVADA

TREVOR GREYDON CLARK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50255

FILED

MAR 06 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying appellant's post-conviction petition for a writ of habeas corpus. Ninth Judicial District Court, Douglas County; David R. Gamble, Judge.

On December 22, 2005, appellant Trevor Greydon Clark was convicted, pursuant to a nolo contendere plea, of one count of driving with a prohibited amount of controlled substance in his blood causing death. The district court sentenced Clark to serve a prison term of 72 to 240 months. Clark filed a direct appeal, and this court affirmed the judgment of conviction.¹

On April 24, 2007, Clark, with the assistance of counsel, filed a post-conviction petition for a writ of habeas corpus. The State opposed the petition. After conducting an evidentiary hearing, the district court denied the petition. Clark filed this timely appeal.

¹Clark v. State, Docket No. 46677 (Order of Affirmance, May 3, 2006).

Clark contends that the district court erred in rejecting his claims of ineffective assistance of counsel. Specifically, Clark argues that defense counsel was ineffective at sentencing for failing to: (1) prepare for and adequately cross-examine the victim-impact witnesses; (2) properly investigate the case and present mitigating evidence, including testimony from Clark's family members and a psychiatric and medical evaluation of Clark; and (3) attend the interview with the Division of Parole and Probation and adequately review Clark's letter to the district court.

The district court found that counsel was not ineffective under the standard set forth in Strickland v. Washington.² In particular, the district court found that defense counsel was not deficient in that she adequately prepared for the sentencing hearing and edited Clark's letter to the district court. Additionally, the district court found that Clark suffered no prejudice because additional mitigating evidence and cross-examination of the victim-impact witnesses would not have affected the sentence. The district court's factual findings regarding claims of ineffective assistance of counsel are entitled to deference when reviewed on appeal.³ Clark has not demonstrated that the district court's findings of fact are not supported by substantial evidence.⁴ Moreover, Clark has not demonstrated that the district court erred as a matter of law.⁵

²466 U.S. 668 (1984).


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

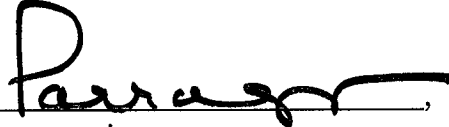
⁴See id.

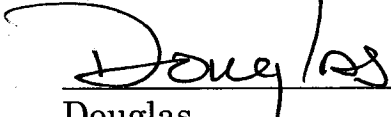
⁵See id. at 648-49, 878 P.2d at 279.

Having considered Clark's contentions and concluded that they lack merit, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. David R. Gamble, District Judge
Marc P. Picker
Attorney General Catherine Cortez Masto/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk