

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAHIM MUHAMMAD,
Appellant,

vs.

WARDEN, NEVADA STATE PRISON,
MICHAEL BUDGE,
Respondent.

No. 50538

RAHIM MUHAMMAD,
Appellant,

vs.

WARDEN, NEVADA STATE PRISON,
MICHAEL BUDGE,
Respondent.

No. 50539

FILED

JAN 08 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

These are consolidated appeals from a district court order dismissing appellant Rahim Muhammad's post-conviction petitions for writs of habeas corpus. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

Muhammad was convicted, pursuant to guilty pleas in two cases, of one count each of assault with a deadly weapon and coercion. The district court sentenced Muhammad to serve two consecutive prison terms of 12-48 months. Muhammad did not pursue direct appeals from the judgments of conviction.

On December 28, 2004, Muhammad filed timely and identical proper person post-conviction petitions for writs of habeas corpus in both of his cases in the district court. The district court appointed counsel to represent Muhammad and counsel filed a supplement to the petitions.

The State filed motions to dismiss the petitions. The district court did not conduct an evidentiary hearing and, on October 9, 2007, entered an order dismissing Muhammad's petitions. This timely appeal followed.

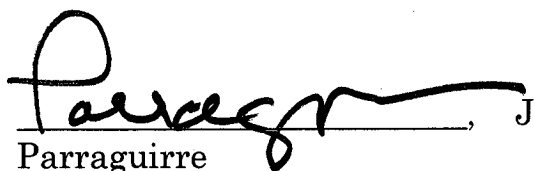
Muhammad contends that the district court erred by dismissing his petitions. Specifically, Muhammad claims that (1) his guilty plea was not entered voluntarily; (2) there was a conflict with counsel who failed to communicate with him, investigate, and present mitigating evidence at his sentencing hearing; and (3) his right to due process was violated by the district court's failure to conduct an evidentiary hearing or review transcripts of the plea canvasses and sentencing hearing. We conclude that Muhammad is not entitled to relief.

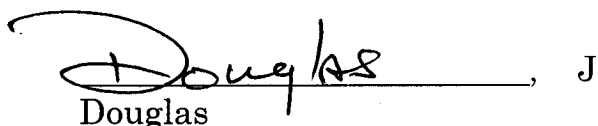
In its order denying the petition, the district court found that Muhammad's allegations of ineffective assistance of counsel lacked the requisite factual specificity and were without merit. See Strickland v. Washington, 466 U.S. 668 (1984); Hargrove v. State, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). The district court also found that Muhammad's guilty plea was entered knowingly, voluntarily, and intelligently. See Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986). The district court's findings are entitled to deference when reviewed on appeal. Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994). Muhammad has not demonstrated that the district court's findings are not supported by substantial evidence or are clearly wrong. Moreover, Muhammad has not demonstrated that the district court erred as a matter of law. Therefore,

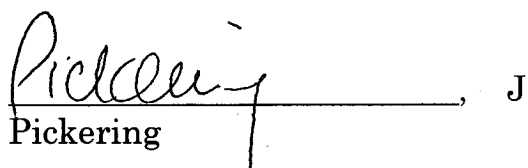
we conclude that the district court did not err by denying Muhammad's petitions.¹

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

ORDER the judgment of the district court AFFIRMED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. Janet J. Berry, District Judge
Karla K. Butko
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

¹We also conclude that Muhammad has not demonstrated that the district court violated his right to due process by rejecting these claims without conducting an evidentiary hearing or reviewing transcripts of the plea canvasses and sentencing hearing. See NRS 34.770; see also Hargrove, 100 Nev. at 502-03, 686 P.2d at 225.