

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROSENDO VASQUEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50916

FILED

OCT 02 2008

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingrassia*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying appellant Rosendo Vasquez's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

Vasquez was convicted, pursuant to a guilty plea, of three counts of attempted lewdness with a child under the age of 14 years. The district court sentenced Vasquez to serve three consecutive prison terms of 48-240 months. Vasquez did not pursue a direct appeal from the judgment of conviction and sentence.

On November 5, 2007, Vasquez filed a timely post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. The district court conducted a hearing and, on January 7, 2008, entered an order denying Vasquez's petition. This timely appeal followed.


Vasquez contends that the district court erred by denying his petition. Vasquez argues that trial counsel was ineffective and that his guilty plea was not entered knowingly, voluntarily, and intelligently. Specifically, Vasquez claims that (1) counsel failed to advise him "of the exact nature of the charges he faced," and (2) the written guilty plea agreement noted that he was pleading guilty to only one count of


attempted lewdness with a child under 14 years of age, not three counts. We conclude that Vasquez is not entitled to relief.


At the hearing on the petition, the district court, considering “the entirety of the record,” found that Vasquez understood that he was pleading guilty to three counts. In its order denying the petition, the district court also found that Vasquez did not receive ineffective assistance of counsel. The district court’s factual findings are entitled to deference when reviewed on appeal.¹ Vasquez has not demonstrated that the district court’s findings of fact are not supported by substantial evidence or are clearly wrong. Moreover, Vasquez 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 Vasquez’s petition.

Having considered Vasquez’s contentions and concluded that they are without merit, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Cherry


_____, J.
Maupin


_____, J.
Saitta

¹See Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994).

cc: Hon. David B. Barker, District Judge
Kirk T. Kennedy
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk