

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM WHITSETT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 52126

**FILED**

JUL 07 2009

ORDER OF AFFIRMANCE

THACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

This is an appeal from a district court order denying appellant William Whitsett's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

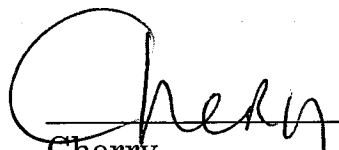
Whitsett contends that the district court erred by denying his habeas petition. Specifically, Whitsett claims that trial counsel was ineffective and, as a result, he was improperly denied his right to a direct appeal. We disagree.

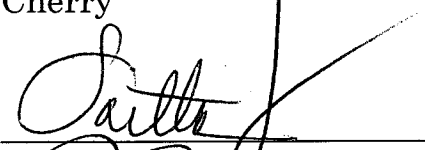
The district court found that Whitsett was not improperly denied his right to a direct appeal and did not receive ineffective assistance of counsel. See Strickland v. Washington, 466 U.S. 668, 687-88 (1984); Lozada v. State, 110 Nev. 349, 354, 871 P.2d 944, 947 (1994) (holding that "an attorney has a duty to perfect an appeal when a convicted defendant expresses a desire to appeal or indicates dissatisfaction with a conviction"). The district court's factual findings are entitled to deference when reviewed on appeal. See Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994). Whitsett has not demonstrated that the district court's findings of fact are not supported by substantial evidence or are clearly wrong. Moreover, Whitsett has not demonstrated

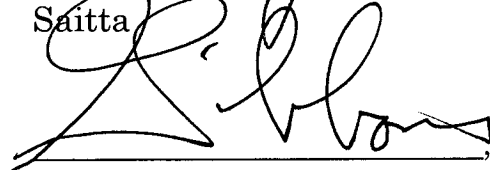
that the district court erred as a matter of law. Therefore, we conclude that the district court did not err by denying Whitsett's petition.

Having considered Whitsett's contention and concluded that it is without merit, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Valerie Adair, District Judge  
Kocka & Bolton  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk