

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALAN RAUM,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52504

FILED

FEB 04 2009

THACIEK LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

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

Raum was convicted, pursuant to a jury verdict, of one count of trafficking in a controlled substance. The district court sentenced Raum to serve a prison term of 24-72 months to run concurrently with the sentence imposed in an unrelated district court case. This court affirmed the judgment of conviction and sentence on direct appeal. Raum v. State, Docket No. 50271 (Order of Affirmance, May 20, 2008).

On June 20, 2008, Raum filed a timely post-conviction petition for a writ of habeas corpus in the district court. The State opposed Raum's petition and filed a motion to dismiss. The district court conducted an evidentiary hearing and, on September 17, 2008, entered an order denying Raum's petition. This timely appeal followed.

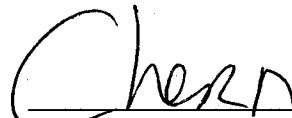
Raum contends that the district court erred by denying his petition. Specifically, Raum claims that trial counsel was ineffective for informing the jury during opening statements that he had a prior drug-

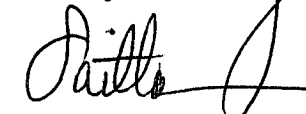
related conviction and was on probation at the time of his arrest in the instant case. We conclude that Raum is not entitled to relief.


In its order denying the petition, the district court found that Raum did not receive ineffective assistance of counsel. See Strickland v. Washington, 466 U.S. 668 (1984). The district court's factual findings are entitled to deference when reviewed on appeal. Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994). Raum has not demonstrated that the district court's findings of fact are not supported by substantial evidence or are clearly wrong. Moreover, Raum 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 Raum's petition.

Having considered Raum'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. Jackie Glass, District Judge
Kirk T. Kennedy
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk