

IN THE SUPREME COURT OF THE STATE OF NEVADA

ZEANOUS C. THOMPSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52879

FILED

FEB 03 2010

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

ORDER OF AFFIRMANCE


This is an appeal from an order of the district court denying appellant Zeanous Thompson's first, timely post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

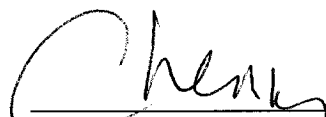
Thompson contends that the district court abused its discretion by failing to conduct an evidentiary hearing and denying his claims that his counsel was ineffective and his guilty plea was invalid because counsel failed to adequately explain the sentencing consequences of entering the plea. We presume that the district court correctly assessed the validity of a plea and will not reverse its decision absent an abuse of discretion. Molina v. State, 120 Nev. 185, 191, 87 P.3d 533, 538 (2004). When reviewing the district court's resolution of an ineffective-assistance claim, we give deference to the court's factual findings if supported by substantial evidence and not clearly erroneous but review the court's application of the law to those facts de novo. Lader v. Warden, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005).

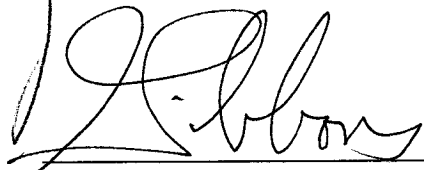
The district court found that Thompson's claims were belied by the record. This finding is supported by substantial evidence and is not

clearly wrong, and the district court did not err as a matter of law. Further, because Thompson's claims were belied by the record, the district court did not abuse its discretion by denying appellant's request for an evidentiary hearing. See Hargrove v. State, 100 Nev. 498, 503, 686 P.2d 222, 225 (1984). Therefore, we conclude that the district court did not abuse its discretion by denying Thompson's petition without first conducting an evidentiary hearing, and we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Cherry


_____, J.
Gibbons

cc: Eighth Judicial District Court Dept. 8, District Judge
Christopher R. Oram
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk