

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROGER DAVIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53291

FILED

DEC 23 2009

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

ORDER OF AFFIRMANCE

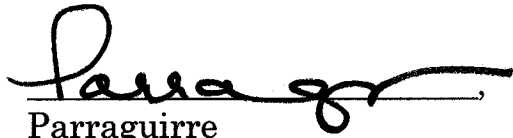
This is an appeal from a district court order denying appellant Roger Davis' post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

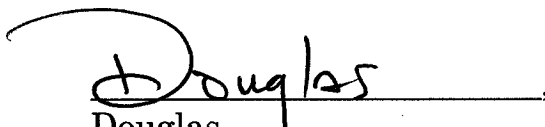
Davis contends that the district court erred by denying his claim that counsel was ineffective for advising him not to undergo a psychosexual evaluation until after the resolution of his presentence motion to withdraw his guilty plea. We disagree.

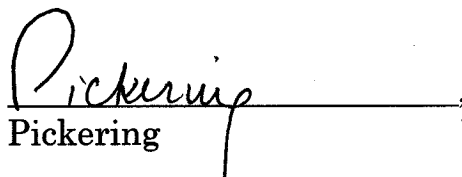
The district court found that Davis did not receive ineffective assistance because counsel's advice was "a rational strategic decision." See Strickland v. Washington, 466 U.S. 668, 687-88 (1984). The district court's factual findings are entitled to deference when reviewed on appeal. See Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994). Davis has not demonstrated that the district court's findings of fact are not supported by substantial evidence or are clearly wrong. Moreover, Davis 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 Davis' petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. Kathy A. Hardcastle, District Judge
Christopher R. Oram
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk