

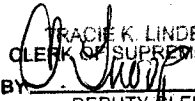
IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN STEPHEN DOMBROSKI,
Appellant,
vs.
DOUG GILLESPIE, SHERIFF, CLARK
COUNTY, NEVADA,
Respondent.

No. 54417

FILED

MAY 10 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; David Wall, Judge.

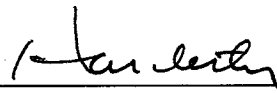
Appellant argues that the district court erred by denying his claim that he received ineffective assistance of counsel because one of his counsel was suspended from the practice of law during appellant's representation. Trial counsel's suspension does not render his assistance per se ineffective; rather, appellant must demonstrate that counsel was ineffective under the standard set forth in Strickland v. Washington, 466 U.S. 668, 686-87 (1984), by showing deficient performance and resulting prejudice. See United States v. Mouzin, 785 F.2d 682, 698 (9th Cir. 1986); People v. Allen, 580 N.E.2d 1291, 1300 (Ill. App. Ct. 1991); People v. Pubrat, 548 N.W.2d 595, 598 (Mich. 1996); State v. Smith, 476 N.W.2d 511, 513-14 (Minn. 1991); cf. Commonwealth v. Grant, No. 643 WDA 2008, 2010 WL 1039453, at *4-6 (Pa. Super. Ct. March 23, 2010). Other than his bare allegations that he "relied upon the legal counsel" of the suspended attorney and counsel suffered from health concerns, appellant failed to

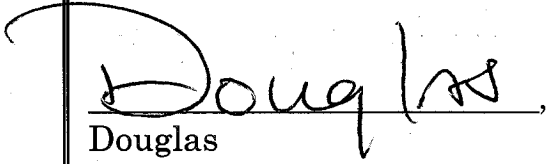
identify any deficiency or prejudice related to counsel's suspension. Moreover, the basis of the suspension was unrelated to appellant's representation and appellant was also represented by co-counsel who was unencumbered by disciplinary concerns. Accordingly, we conclude that the district court did not err by denying this claim.


Appellant next argues that the district court erred by denying his claim that counsel were ineffective for filing an inadequate motion to suppress. Although the motion and reply are brief, the documents plainly express the grounds upon which appellant's admissions to the police should be suppressed, along with supporting factual allegations and legal authority. And contrary to appellant's contention, the submissions before us show that the motion to suppress lacked merit. Because appellant failed to demonstrate deficient performance or prejudice, see Strickland, 466 U.S. at 686-87, we conclude that the district court did not err by denying this claim.

Having considered appellant's arguments and concluded that they lack merit, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. David Wall, District Judge
William B. Terry, Chartered
Henderson City Attorney
Eighth District Court Clerk