

IN THE SUPREME COURT OF THE STATE OF NEVADA

ZI XIAO CHEN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54498

**FILED**

JUN 09 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Angers*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying appellant Zi Xiao Chen's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

Chen contends that the district court abused its discretion by finding that trial counsel was not ineffective for failing to object to the admission of (1) a page of magazine advertisements which included the two used to lure clients in the instant case and (2) alleged hearsay testimony from an investigating officer detailing his negotiations with the pandering victims. Chen also claims that the State failed to adduce sufficient evidence to support the two counts of pandering.

When reviewing the district court's resolution of an ineffective-assistance claim, we give deference to the court's factual findings if they are 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). Here, the district court found that trial counsel was not deficient because the challenged evidence was properly admitted. See Strickland v. Washington, 466 U.S. 668, 687 (1984) (establishing two-part test for

ineffective assistance of counsel). The district court also found that we previously considered and rejected Chen's challenge to the sufficiency of the evidence on direct appeal and the doctrine of the law of the case precluded further litigation of the issue. Chen v. State, Docket No. 51147 (Order of Affirmance, April 15, 2009); Hall v. State, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). The district court's findings are supported by substantial evidence and are not clearly wrong, and Chen has not demonstrated that the district court erred as a matter of law. Therefore, we

ORDER the judgment of the district court AFFIRMED.

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. James M. Bixler, District Judge  
Kirk T. Kennedy  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk