

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRUCE BOLDEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54938

FILED

JUN 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angela
DEPUTY CLERK

ORDER OF AFFIRMANCE

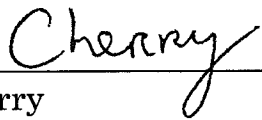
This is an appeal from a district court order denying appellant Bruce Bolden's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

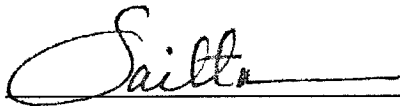
Bolden contends that the district court erred by determining that his trial counsel was not ineffective for failing to (1) pursue a pretrial lineup, (2) move to sever his trial from his codefendant's, and (3) properly investigate. We disagree.


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 counsel was not ineffective, citing Molina v. State, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004) (a defendant alleging a failure to investigate must demonstrate that additional investigation would have altered the outcome of the trial); Craig v. State, 85 Nev. 130, 131, 451 P.2d 365, 366 (1969) (a defendant does not have a right to pretrial lineup); and Ennis v. State, 122 Nev. 694, 706, 137 P.3d

1095, 1103 (2006) (failure to file a futile motion does not constitute ineffective assistance of counsel). See Strickland v. Washington, 466 U.S. 668, 687 (1984) (establishing two-part test for ineffective assistance of counsel). The district court's findings are supported by substantial evidence and are not clearly erroneous, and Bolden has not demonstrated that the district court erred as a matter of law. Therefore, we conclude that Bolden is not entitled to relief and we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Elissa F. Cadish, District Judge
Christopher R. Oram
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk