

IN THE SUPREME COURT OF THE STATE OF NEVADA

ASHLEY NORMAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55171

**FILED**

SEP 09 2010

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 Ashley Norman's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Norman contends that the district court erred by failing to conduct an evidentiary hearing before denying her petition based, in part, on claims that trial counsel were ineffective for failing to (1) inform her of an alleged conflict between the sentencing judge and a victim-witness and (2) get her permission to waive the conflict. 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 trial counsel were not deficient and that Norman failed to demonstrate prejudice. See Strickland v. Washington, 466 U.S. 668, 687-88 (1984) (establishing two-part test for ineffective assistance of counsel); Kirksey v. State, 112 Nev. 980, 988, 923 P.2d 1102, 1107 (1996). The district court's findings are supported by substantial evidence and are not clearly wrong, and Norman has not demonstrated

that the district court erred as a matter of law. Therefore, we conclude that the district court did not err by rejecting Norman's ineffective-assistance claims. We further conclude that Norman was not entitled to an evidentiary hearing because her claims were repelled by the record. See Mann v. State, 118 Nev. 351, 354, 46 P.3d 1228, 1230 (2002).

To the extent that Norman contends that the district court erred by allowing a victim-witness to testify at sentencing, we note that the district court found that the claim fell outside the scope of claims permissible in a post-conviction petition for a writ of habeas corpus challenging a judgment of conviction based upon a guilty plea. See NRS 34.810(1)(a). We agree and conclude that the district court did not err by rejecting this claim.

Having considered Norman's contentions and concluded that they lack merit, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

<sup>1</sup>Although we filed the appendix submitted by Norman, it fails to comply with the Nevada Rules of Appellate Procedure. See NRAP 3C(e)(2)(C); NRAP 30(c). The appendix includes neither an alphabetical index identifying each of the documents contained therein nor the post-conviction habeas petition filed by Norman in the district court. Counsel for Norman is cautioned, once again, that failure to comply with the appendix requirements may result in it being returned, unfiled, to be correctly prepared, see NRAP 32(e), and in the imposition of sanctions, NRAP 3C(n).

cc: Hon. Douglas W. Herndon, District Judge  
Legal Resource Group  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk