

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW ARTHUR FIELDS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56444

FILED

MAR 17 2011

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 Matthew Arthur Fields' post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.


Fields contends that the district court abused its discretion by denying his habeas petition because ineffective assistance of counsel led him to enter an invalid guilty plea and he was improperly denied his right to a direct appeal. Fields claims that counsel was ineffective for (1) failing to investigate his case and possible defenses before recommending that he plead guilty; (2) informing him that his prison terms would run concurrently; (3) improperly advising him that his time in prison would be reduced by application to the "305" program, see NRS 209.425-.429; (4) failing to object during the sentencing hearing to the prosecutor's misstatement about how the "305" program would affect his prison term; and (5) failing to educate the district court about how the "305" program would affect his prison term. We disagree.

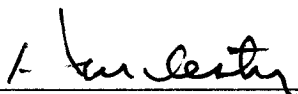
When reviewing the district court's resolution of an ineffective-assistance claim, we give deference to the court's factual findings if they are supported by substantial evidence and not clearly

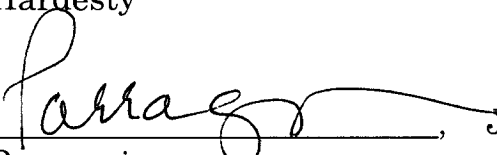
erroneous but review the court's application of the law to those facts de novo. Lader v. Warden, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005). Here, the district court conducted an evidentiary hearing and found that Fields did not receive ineffective assistance of counsel, see Strickland v. Washington, 466 U.S. 668, 687-88 (1984), entered his plea knowingly, voluntarily, and intelligently, see Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986), and was not improperly denied his right to a direct appeal, see Lozada v. State, 110 Nev. 349, 354, 871 P.2d 944, 947 (1994). The district court's findings are supported by substantial evidence and not clearly wrong, and Fields 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 these claims.

Fields also claims that the district court abused its discretion during the evidentiary hearing "by demanding" that he call the sentencing judge as a witness to substantiate the claims in his petition. Fields' claim is belied by the record. See Hargrove v. State, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). Therefore, we conclude that Fields is not entitled to relief. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Janet J. Berry, District Judge
Karla K. Butko
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk