

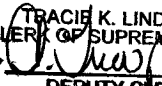
IN THE SUPREME COURT OF THE STATE OF NEVADA

RAMIRO L. RUIZ A/K/A RAMIRO
LAZANO-RUIZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56600

FILED

JAN 13 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Douglas W. Herndon, Judges.

In his petition, filed on March 9, 2010, appellant first claimed that he received ineffective assistance of counsel. To prove ineffective assistance of counsel sufficient to invalidate a judgment of conviction based on a guilty plea, a petitioner must demonstrate (a) that his counsel's performance was deficient in that it fell below an objective standard of reasonableness and (b) resulting prejudice such that there is a reasonable probability that, but for counsel's errors, petitioner would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart,

¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

474 U.S. 52, 58-59 (1985); Kirksey v. State, 112 Nev. 980, 988, 923 P.2d 1102, 1107 (1996). Both components of the inquiry must be shown. Strickland v. Washington, 466 U.S. 668, 697 (1984). Further, we give deference to the district court's factual findings where they are supported by substantial evidence. See Lader v. Warden, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005).


Appellant first claimed that counsel was ineffective for failing to give him an opportunity to read his presentence investigation (PSI) report or provide him a copy of it. Appellant failed to demonstrate deficiency or prejudice. The district court's finding that counsel reviewed the PSI report with appellant prior to sentencing was supported by substantial evidence. Further, appellant identified no errors in the report. Accordingly, he failed to demonstrate a reasonable probability that, had he had more opportunity to read the PSI report or received a copy of it sooner, he would not have pleaded guilty but would have insisted on going to trial. We therefore conclude that the district court did not err in denying this claim.

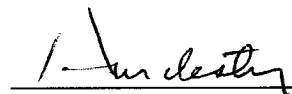
Appellant also claimed that counsel was ineffective for leaving him alone at a hearing, devoting insufficient time to review his case in order to obtain a better plea bargain, and failing to provide information to appellant regarding his discovery and psycho-sexual evaluation. Appellant failed to support these claims with specific facts that, if true, would have entitled him to relief. See Hargrove v. State, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). We therefore conclude that the district court did not err in denying these claims.

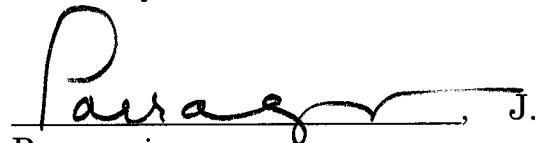
Finally, appellant's remaining claims—that he had not received discovery from the district court, he had insufficient opportunity to review

his PSI report, and he was outside the state for a significant portion of the information's timeframe for the crime—were outside the scope of claims permissible in a post-conviction petition for writ of habeas corpus challenging a judgment of conviction based on a guilty plea. NRS 34.810(1)(a). Therefore, the district court did not err in denying these claims. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Joseph T. Bonaventure, Senior Judge
Hon. Douglas W. Herndon, Judge
Ramiro L. Ruiz a/k/a Ramiro Lazano-Ruiz
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk