

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHAWNDELL BRYANT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58232

FILED

JAN 12 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying appellant Shawndell Bryant's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

Bryant contends that the district court erred by finding that he received reasonably effective assistance of counsel. He claims that counsel was ineffective for not filing a pretrial motion to suppress the 911 call, rushing to trial in hopes that the victim's absence and a witness's conflicting testimony would create reasonable doubt, and failing to conduct an adequate investigation.


When reviewing the district court's resolution of ineffective-assistance claims, 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).

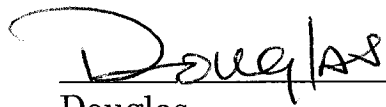
The district court conducted an evidentiary hearing and found that Bryant failed to satisfy either prong of the Strickland test and demonstrate that he was deprived of reasonably effective assistance of

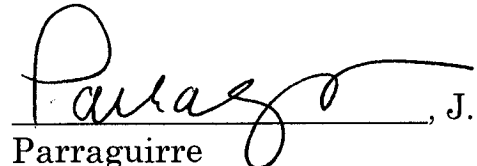
counsel. See Strickland v. Washington, 466 U.S. 668, 687 (1984) (establishing a two-part test for ineffective assistance of counsel); Kirksey v. State, 112 Nev. 980, 987, 923 P.2d 1102, 1107 (1996) (adopting test in Strickland); see also Means v. State, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004) (petitioner must prove the facts underlying his claims of ineffective assistance of counsel by a preponderance of the evidence).

Our review of the record reveals that the district court's factual findings are supported by substantial evidence and are not clearly erroneous, and Bryant has not demonstrated that the district court erred as a matter of law. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Parraguirre

cc: Hon. Kathy A. Hardcastle, District Judge
Ornoz Law Offices
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk