

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE JAMIE CHRISTY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 59740

**FILED**

OCT 08 2012

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

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying appellant George Jamie Christy's post-conviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; James E. Wilson, Judge.

Christy contends that the district court abused its discretion by denying his habeas petition and finding that counsel was not ineffective for failing to (1) present mitigation evidence at sentencing and (2) pursue a direct appeal. We disagree.<sup>1</sup>


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

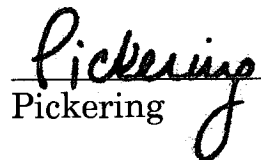
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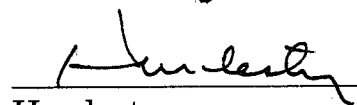
<sup>1</sup>The State argues that pursuant to NRS 34.810(1)(a), a claim that counsel was ineffective at sentencing is not cognizable in a habeas petition challenging a conviction based on a guilty plea. The State's argument is raised for the first time on appeal and was not considered by the district court, therefore, we decline to address it at this time. See Davis v. State, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991) (holding that this court need not consider arguments raised on appeal that were not presented to the district court in the first instance), overruled on other grounds by Means v. State, 120 Nev. 1001, 103 P.3d 25 (2004).

wrong 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, heard testimony from Christy, his sister, and his former counsel, and concluded that counsel was not deficient and that Christy failed to demonstrate prejudice. See Strickland v. Washington, 466 U.S. 668, 687-88, 694 (1984); Kirksey v. State, 112 Nev. 980, 987, 923 P.2d 1102, 1107 (1996); see also Lozada v. State, 110 Nev. 349, 354, 871 P.2d 944, 947 (1994). We conclude that the district court's findings are supported by substantial evidence and not clearly wrong, and Christy has not demonstrated that the district court erred as a matter of law. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. James E. Wilson, District Judge  
Karla K. Butko  
Attorney General/Carson City  
Carson City District Attorney  
Carson City Clerk