

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL BRADLEY MOROWSKI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60011

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 Paul Bradley Morowski's post-conviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; James E. Wilson, Judge.


Morowski contends that the presentence investigation report prepared by the Division of Parole and Probation contained erroneous information and, as a result, the district court considered "materially untrue assumptions" about his criminal history "that worked to his extreme detriment." In his supplemental petition below, Morowski raised the issue in terms of counsel's ineffectiveness, claiming "that his sentence would have been shorter if his attorney had informed the court of the errors." We disagree with Morowski's contention.

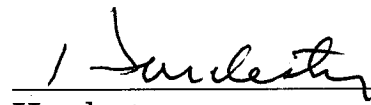
When reviewing the district court's resolution of an ineffective-assistance claim, we give deference to the court's factual findings if they are supported by substantial evidence and not clearly wrong but review the court's application of the law to those facts de novo. Lader v. Warden, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005). Here, the district court found that "[t]he alleged mistakes and alleged untrue assumptions" had no impact in its sentencing determination, and that in

sentencing Morowski, it “focused on petitioner’s two prior serious felony convictions.” The district court concluded that counsel was not deficient and that Morowski 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). We conclude that the district court’s findings are supported by substantial evidence and not clearly wrong, and Morowski 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
Robert B. Walker
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk