

IN THE SUPREME COURT OF THE STATE OF NEVADA

PETER HOLLAND,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 60326 ✓

PETER HOLLAND,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 60327

**FILED**

JAN 16 2013

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

ORDER OF AFFIRMANCE


These are appeals from district court orders denying appellant Peter Holland's post-conviction petitions for writs of habeas corpus. Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge. We elect to consolidate these appeals for disposition. See NRAP 3(b)(2).

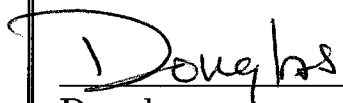
Holland contends that the district court erred by denying his petitions without conducting an evidentiary hearing and by not finding that counsel was ineffective for (1) failing to lodge objections and file motions, resulting in the entry of invalid guilty pleas, (2) failing to address his mental health issues and obtain a diagnosis, and (3) objecting in a sentencing memorandum to an error in his presentence investigation report and not correcting "the PSI itself." 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

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, according to the district court minutes of the hearing on Holland's petition, the district court denied the petition without conducting an evidentiary hearing after counsel for Holland "stated he will submit on the briefs." In its order denying the petition, the district court determined that Holland's allegations lacked the requisite factual specificity, see Mann v. State, 118 Nev. 351, 354, 46 P.3d 1228, 1230 (2002); Hargrove v. State, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984), and concluded that he failed to demonstrate either that counsel's performance was deficient or prejudice, see Hill v. Lockhart, 474 U.S. 52, 58-59 (1985); see also Strickland v. Washington, 466 U.S. 668, 687-88, 694 (1984); Kirksey v. State, 112 Nev. 980, 987, 923 P.2d 1102, 1107 (1996). The district court also concluded that Holland's pleas were entered freely, voluntarily, and knowingly. See Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986). We conclude that the district court did not abuse its discretion by not conducting an evidentiary hearing and did not err by denying Holland's habeas petitions. Accordingly, we

ORDER the judgments of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

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

cc: Hon. Jerome T. Tao, District Judge  
Keith C. Brower  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk