

IN THE SUPREME COURT OF THE STATE OF NEVADA

WALTER BOOKER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60433

FILED

NOV 14 2012

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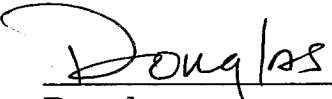
ORDER OF AFFIRMANCE

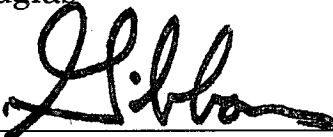
This is an appeal from a district court order denying appellant Walter Booker's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.

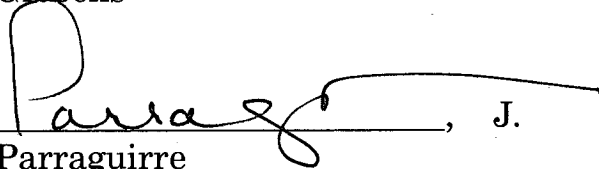
Booker contends that the district court erred by denying his claim that counsel was ineffective for advising him to plead guilty without fully investigating (1) Booker's competency and (2) the possible defenses that he could have raised based on his mental health issues. When reviewing the district court's resolution of an ineffective-assistance claim, we give deference to the district court's factual findings if supported by substantial evidence and not clearly erroneous but review the district 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 during which Booker and counsel testified. Counsel testified that he had spoken with Booker and learned of his mental illness. He researched the illness and consulted with an experienced colleague. Counsel also testified that he reviewed evidence which indicated that Booker's acts may have been premeditated. Based on counsel's review of the evidence, his conversations with Booker, and his

research into the mental illness, counsel determined that Booker was competent and that any possible defenses were unlikely to succeed. The district court concluded that counsel had effectively investigated Booker's mental health issues prior to advising the plea. We conclude that the district court's findings are supported by substantial evidence and not clearly wrong, and Booker has not demonstrated that the district court erred as a matter of law. See Hill v. Lockhart, 474 U.S. 52, 58-59 (1985); Kirksey v. State, 112 Nev. 980, 987, 923 P.2d 1102, 1107 (1996). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Carolyn Ellsworth, District Judge
Cogburn Law Offices
Benjamin C. Durham
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk