


IN THE SUPREME COURT OF THE STATE OF NEVADA

LUSAN RAHMAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 61505

**FILED**

MAY 15 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying appellant Lusan Rahman's post-conviction petitions for writs of habeas corpus. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

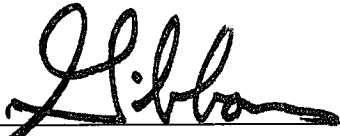
Rahman contends that trial counsel was ineffective for (1) failing to "object to and preserve issues relating to" juror questions, questions from the bench, and an audiotape of a telephone call wherein he threatened and attempted to extort one of the victims, (2) failing to elicit information regarding his lack of firearm experience, and (3) eliciting information which aided the prosecution.<sup>1</sup> Rahman also contends that appellate counsel was ineffective for failing to provide this court with an adequate record to review one of his claims on direct appeal. We disagree with Rahman's contentions.

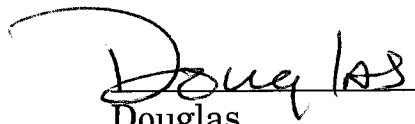
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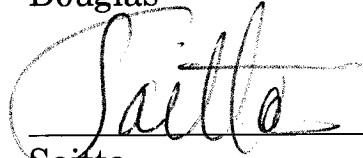
<sup>1</sup>Rahman also claims that trial counsel was ineffective for failing to object to unspecified jury instructions. Rahman failed to raise this issue in his several petitions below, therefore, we decline to address it. See *Davis v. State*, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991), *overruled on other grounds by Means v. State*, 120 Nev. 1001, 1012-13, 103 P.3d 25, 33 (2004).

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 conducted an evidentiary hearing, heard testimony from Rahman's trial counsel, and determined that counsel was not deficient and that Rahman 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). The district court also found that appellate counsel was not ineffective, see *Kirksey*, 112 Nev. at 998, 923 P.2 at 1113-14. We conclude that the district court did not err by rejecting Rahman's ineffective-assistance claims, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. David B. Barker, District Judge  
Michael H. Schwarz  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk