

IN THE SUPREME COURT OF THE STATE OF NEVADA

SALVADOR RICO-RIOS,
Appellant,
vs.
GREGORY SMITH, WARDEN, NEVADA
STATE PRISON,
Respondent.

No. 63003

FILED

SEP 18 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angel
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order dismissing appellant Salvador Rico-Rios' post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Lidia Stiglich, Judge.


Rico-Rios contends that the district court erred by not finding that counsel was ineffective for failing to (1) inform him about his appellate rights and file a direct appeal, and (2) notify the Mexican consulate of his arrest.¹ We disagree with Rico-Rios' contention.

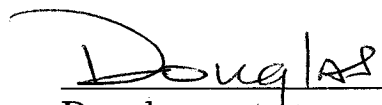
When reviewing the district court's resolution of an ineffective-assistance claim, we give deference to the court's factual findings if they are supported by substantial evidence and not clearly wrong but review the court's application of the law to those facts de novo. *Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005). Here, the district court conducted an evidentiary hearing and heard testimony


¹Rico-Rios pleaded guilty to two counts of trafficking in a controlled substance and was sentenced to serve consecutive prison terms of 72-180 and 24-72 months and ordered to pay fines totaling \$15,000.

from Rico-Rios and his former defense counsel. The district court concluded that Rico-Rios was not improperly denied his right to a direct appeal, see *Thomas v. State*, 115 Nev. 148, 150, 979 P.2d 222, 223 (1999); *Lozada v. State*, 110 Nev. 349, 354-55, 871 P.2d 944, 947 (1994), and that “he fail[ed] to articulate, let alone establish,” that he was prejudiced by counsel’s failure to contact the Mexican consulate, see generally *Garcia v. State*, 117 Nev. 124, 128-29, 17 P.3d 994, 996-97 (2001). The district court’s findings are supported by substantial evidence and not clearly wrong, and Rico-Rios has not demonstrated that the district court erred as a matter of law. See *Hill v. Lockhart*, 474 U.S. 52, 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). Therefore, we conclude that the district court did not err by rejecting Rico-Rios’ ineffective-assistance claims, and we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Lidia Stiglich, District Judge
Story Law Group
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk