

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEMETRIUS WAYNE PATTERSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65379

FILED

NOV 12 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

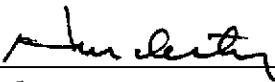
This is an appeal from a district court order denying appellant Demetrius Wayne Patterson's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Lidia Stiglich, Judge.

Patterson contends that the district court erred by denying his petition. Patterson claims that trial counsel was ineffective for failing to (1) present the testimony of two alibi witnesses, and (2) present mitigation evidence at sentencing. We disagree with Patterson's contention.

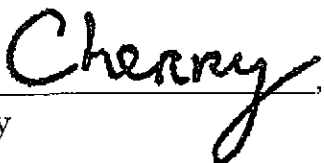
When reviewing the district court's resolution of an ineffective-assistance claim, we give deference to the court's factual findings if they are supported by substantial evidence and not clearly wrong but review the court's application of the law to those facts de novo. *Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005). Here, the district court conducted an evidentiary hearing and heard testimony from Patterson, his trial counsel and investigator, an expert in witness identifications, and potential alibi and mitigation witnesses. The district court found that Patterson failed to demonstrate either that trial counsel was deficient or 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); *see also Cullen v. Pinholster*, 563 U.S. ___, ___, 131 S. Ct. 1388, 1408 (2011) (“Surmounting *Strickland*’s high bar is never an easy task.” (quotation marks omitted) (alteration omitted)). We conclude that the district court did not err by rejecting Patterson’s ineffective-assistance claims, and we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Lidia Stiglich, District Judge
Edward T. Reed
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk