

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE ANGEL GUZMAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 36049

**FILED**

AUG 16 2000

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

Appellant was convicted, pursuant to a jury verdict, of one count of trafficking in a controlled substance. The district court sentenced appellant to 25 years in prison, with parole eligibility after 10 years, and further ordered appellant to pay a fine in the amount of \$1,000.00.

Appellant filed a timely direct appeal from his judgment of conviction, arguing that evidence of prior drug transactions was improperly admitted. The appeal was dismissed by this court. *Guzman v. State*, Docket No. 31365 (Order Dismissing Appeal, October 5, 1998).

Appellant then filed a post-conviction petition for a writ of habeas corpus, contending that he had an inadequate understanding of English. Appellant therefore argued that his confession and the evidence found in the consensual search of

his vehicle should have been suppressed, and that his trial counsel was ineffective for failing to get the evidence and confession suppressed. The State filed an opposition.

After continuing an evidentiary hearing on several occasions, the parties stipulated to submit the matter to the district court. On April 3, 2000, the district court entered an order dismissing appellant's petition.<sup>1</sup>

Appellant contends that the district court's decision is not supported by substantial evidence. Specifically, appellant argues that the record does not show that appellant had a sufficient understanding of English to consent to a search of his vehicle, or to voluntarily confess. We disagree.

At trial, the officer who stopped appellant testified that she asked appellant several questions, including whether she could search his vehicle. The officer further testified that appellant had no apparent difficulty understanding or responding to her questions. Further, the officer to whom appellant confessed testified that appellant conversed with the officer in English and had no apparent

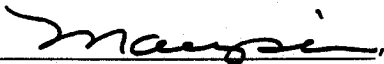
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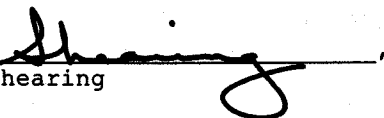
<sup>1</sup>This court notes that the order entered by the district court does not contain findings of fact and conclusions of law as required by NRS 34.830(1). The district court is reminded that the statute requires that "[a]ny order that finally disposes of a petition, whether or not an evidentiary hearing was held, must contain specific findings of fact and conclusions of law supporting the decision of the court." Despite the deficiency of the district court's order, this court was able to conduct a meaningful review of the district court's decision.


difficulty understanding or responding to the officer's questions. We therefore conclude that the district court did not err by denying the petition. See Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994) (district court decision affirmed where it was supported by substantial evidence in the record, and was not clearly wrong).

Having considered appellant's contention and concluded it is without merit, we

ORDER this appeal dismissed.

  
Maupin J.

  
Shearing J.

  
Becker J.

cc: Hon. Steven P. Elliott, District Judge  
Attorney General  
Washoe County District Attorney  
Scott W. Edwards  
Washoe County Clerk