

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT JAMES FINLEY,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 36760

FILED

DEC 06 2001

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

ORDER OF AFFIRMANCE

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

On October 16, 1998, appellant Robert James Finley was convicted, pursuant to a guilty plea, of two counts of lewdness with a minor under the age of 14 years. The district court sentenced Finley to serve two concurrent prison terms of life with the possibility of parole after 10 years. Finley did not file a direct appeal. In October 1999, Finley filed a proper person post-conviction petition for a writ of habeas corpus.

In the petition, Finley claimed that his counsel was ineffective pursuant to Strickland v. Washington¹ and that his guilty plea was neither knowing nor involuntary. The district court held an evidentiary hearing and found that counsel was not ineffective and that Finley's plea was knowing and voluntary. The district court's factual findings regarding a claim of ineffective assistance of counsel are entitled to deference when reviewed on appeal.² Finley has not demonstrated that

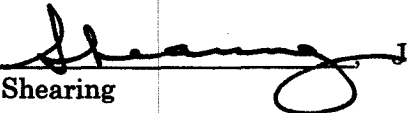
¹466 U.S. 668 (1984).

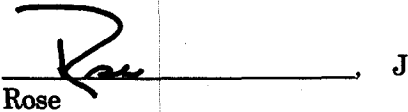
²See Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994).


the district court's findings of fact are not supported by substantial evidence or are clearly wrong. Moreover, Finley has not demonstrated that the district court erred as a matter of law.

Accordingly, for the reasons stated in the attached order of the district court, we

ORDER the judgment of the district court AFFIRMED.


Shearing J.


Rose J.


Becker J.

cc: Hon. Archie E. Blake, District Judge
Attorney General/Carson City
Lyon County District Attorney
Williams & Emm
Lyon County Clerk