

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOAN C. MILLER,
Appellant,
vs.
CITY OF LAS VEGAS,
Respondent.

No. 39233

FILED

JUN 05 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

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

On June 15, 2000, Miller was convicted, pursuant to a bench trial, of misdemeanor domestic battery. The municipal court sentenced Miller to serve four days of house arrest, complete two days of community service, attend counseling, and pay a \$200.00 fine. Miller appealed to the district court, and the district court affirmed her conviction.

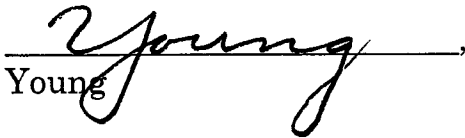
On September 28, 2001, Miller, with the assistance of counsel, filed a post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Without conducting an evidentiary hearing, the district court denied the petition.

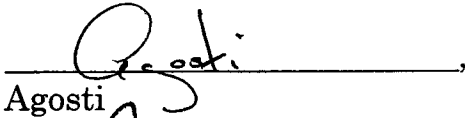
Miller contends that the district court erred in rejecting her claim that her trial counsel was ineffective in failing to advise her of the constitutional right to testify. In her affidavit attached to the petition, Miller admits that she discussed whether she should testify at trial with her counsel, and that trial counsel advised her not to testify. The district court found that counsel was not ineffective, pursuant to Strickland v.

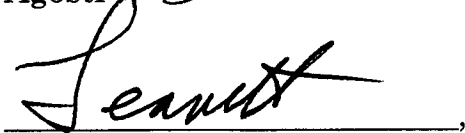
Washington,¹ in advising Miller about the right to testify. We conclude that Miller has failed to show that the district court's factual findings are not supported by substantial evidence or are clearly wrong.² Moreover, Miller has not demonstrated that the district court erred as a matter of law.³

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.
Young

 J.
Agosti

 J.
Leavitt

cc: Hon. Jeffrey D. Sobel, District Judge
Dempsey Roberts & Smith
Las Vegas City Attorney
Clark County Clerk

¹466 U.S. 668 (1984).

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

³See id.