

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS ADRIAN TEACHOUT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41758

FILED

MAR 05 2004

ORDER OF AFFIRMANCE

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

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

Teachout was originally charged with 12 felony counts of burglary, grand larceny, grand larceny of a motor vehicle, and possession of stolen property for stealing approximately \$175,000.00 worth of property from several victims in April and May of 2001. At the time Teachout committed the offenses, Teachout was an absconder from house arrest and had a prior criminal history of theft-related offenses. At the post-conviction hearing, Teachout's trial counsel testified that he believed that the State had a strong case against Teachout, including the following evidence: (1) Teachout's confession to police that he committed the theft offenses;¹ (2) physical evidence, including some of the stolen property

¹Before pleading guilty, Teachout filed a motion to suppress his confession to police based on Miranda v. Arizona, 384 U.S. 436 (1966), which the district court denied. Thereafter, Teachout entered a conditional guilty plea, reserving the right to appeal the district court's ruling on his suppression motion. On direct appeal, this court affirmed

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found at the residence in which Teachout was staying; and (3) potentially, the testimony of the individual to whom Teachout sold the stolen property, as well as the testimony of one of Teachout's codefendants.

On April 10, 2002, after signing a written plea agreement and being thoroughly canvassed by the district court, Teachout pleaded guilty to three counts of burglary. The district court sentenced Teachout to serve two consecutive prison terms of 22 to 120 months and one consecutive prison term of 12 to 120 months. Teachout filed a direct appeal, and this court affirmed his conviction.²

On December 30, 2002, Teachout filed a proper person post-conviction petition for a writ of habeas corpus. The State opposed the petition. The district court appointed Teachout counsel, and counsel supplemented the petition. Thereafter, the district court denied the petition. This appeal followed.

Teachout contends that his trial counsel was ineffective in failing to: (1) communicate with Teachout; (2) properly investigate the case; and (3) preserve an issue for review by obtaining a ruling on the motion to sever prior to Teachout's entry of plea. Moreover, Teachout contends that his guilty plea was not knowing and voluntary because his trial counsel promised him concurrent sentences, and because he was unable to understand the terms of the plea agreement since he was taking

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the district court's ruling denying Teachout's suppression motion, concluding that Teachout's confession to police was voluntary. Teachout v. State, Docket No. 39781 (Order of Affirmance, October 7, 2002).

²Id.


anxiety medication and suffered from "wet brain" from constant use of methamphetamine.

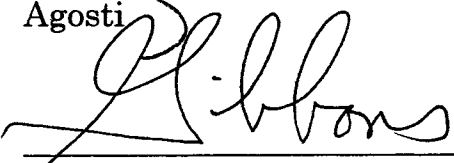
After conducting an evidentiary hearing, the district court found that counsel was not ineffective and that Teachout's guilty plea was valid. The district court's factual findings are entitled to deference when reviewed on appeal.³ Teachout has not demonstrated that the district court's findings of fact are not supported by substantial evidence or are clearly wrong. Moreover, Teachout has not demonstrated that the district court erred as a matter of law.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. James W. Hardesty, District Judge
Cheryl Ann Field-Lang
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

³See Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994).