

IN THE SUPREME COURT OF THE STATE OF NEVADA

TONY ONTARI BROWN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42072

FILED

FEB 18 2004

ORDER OF AFFIRMANCE

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

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

In the petition, appellant presented claims of ineffective assistance of counsel. The district court found that counsel was not ineffective. Appellant contends that: (1) trial counsel was ineffective for failing to request a jury instruction on obstructing an officer; (2) appellate counsel was ineffective for failing to argue sufficiency of the evidence; and (3) that the district court erred by denying the petition without conducting an evidentiary hearing.

The district court's factual findings regarding a claim of ineffective assistance of counsel are entitled to deference when reviewed

on appeal.¹ Based on our review of the record, appellant has not demonstrated that the district court's findings of fact are not supported by substantial evidence or are clearly wrong. Moreover, appellant has not demonstrated that the district court erred as a matter of law. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Becker, J.
Becker

Agosti, J.
Agosti

Gibbons, J.
Gibbons

cc: Hon. Connie J. Steinheimer, District Judge
Karla K. Butko
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

¹See Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994).