

IN THE SUPREME COURT OF THE STATE OF NEVADA

QIAN YUN QU,
Appellant,
vs.
CITY OF LAS VEGAS,
Respondent.

No. 42221

FILED

JUN 04 2004

[Signature]
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

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


On January 16, 2003, the municipal court convicted Qu, pursuant to a bench trial, of soliciting prostitution and ordered Qu to pay a \$500.00 fine. Qu appealed the conviction to the district court, and on April 7, 2003, the district court dismissed the appeal as untimely. Thereafter, Qu, with the assistance of counsel, filed a timely post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. After hearing arguments from counsel, the district court denied the petition. This appeal followed.

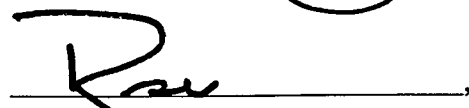
Qu contends that the district court erred in rejecting her claims of ineffective assistance of counsel. In particular, Qu claims that her trial counsel was ineffective for: (1) undercutting her defense that she did not speak English by allowing Qu's Caucasian boyfriend to attend the trial; and (2) for failing to present evidence that Qu had applied for an independent massage license the day before her arrest.

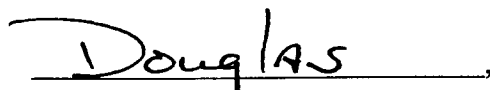
In this case, the district court found that counsel was not ineffective under the standard set forth in Strickland v. Washington.¹ The district court's factual findings regarding a claim of ineffective assistance of counsel are entitled to deference when reviewed on appeal.² Qu has failed to demonstrate that the district court's finding that trial counsel was not ineffective was not supported by substantial evidence or was clearly wrong. Moreover, Qu has not demonstrated that the district court erred as a matter of law.

Having considered Qu's contentions and concluded that they lack merit, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Shearing


_____, J.
Rose


_____, J.
Douglas

cc: Hon. Joseph T. Bonaventure, District Judge
Kirk T. Kennedy
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).