

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW JOHN CANNON, JR. A/K/A  
MATTHEW ANGELO CANNON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55466

**FILED**

JUL 19 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying appellant Matthew Cannon, Jr.'s post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Robert H. Perry, Judge.

Cannon contends that the district court abused its discretion by denying his claims that trial counsel was ineffective for failing to (1) investigate the type of gun used to determine if "certification" to district court was proper, (2) file a motion challenging the "certification," and (3) file a direct appeal or inform him of his right to appeal.

When reviewing the district court's resolution of an ineffective assistance claim, we give deference to the court's factual findings if they are supported by substantial evidence and not clearly erroneous but review the court's application of the law to those facts de novo. Lader v. Warden, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005). Here, the district court found that Cannon was advised of his appellate rights and a certification proceeding was not mandated due to the nature of the crime charged. The district court therefore concluded that Cannon failed to demonstrate that his counsel was ineffective. See Strickland v.

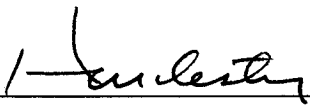
Washington, 466 U.S. 668, 687 (1984) (establishing two-part test for ineffective assistance of counsel); Kirksey v. State, 112 Nev. 980, 988, 923 P.2d 1102, 1107 (1996) (adopting Strickland). The district court's findings are supported by substantial evidence and are not clearly erroneous. Contrary to Cannon's assertions, he was not "certified" to stand trial as an adult in district court. See NRS 62B.390. Instead, jurisdiction over his case was with the district court from its inception due to the nature of the charge. See NRS 62B.330(3). Further, Cannon did not allege that he asked his counsel to file an appeal. Accordingly, we conclude that the district court did not err by denying these claims.

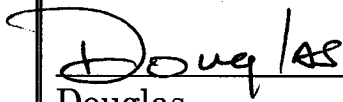
Cannon also asserts that the district court erred by denying his claims that (1) "certification" was improper because no hearing was held and no certification motion was filed, and (2) NRS 62B.330(3) violates a juvenile's right to due process. These claims fell outside the scope of claims permitted in a petition for a writ of habeas corpus attacking a judgment of conviction based on a guilty plea. See NRS 34.810(1)(a). Therefore we affirm the denial of these claims. See Wyatt v. State, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (this court will affirm the district court's judgment if it reached the right result for the wrong reason).


Finally, Cannon asserts that the remedy provided in Lozada v. State, 110 Nev. 349, 359, 871 P.2d 944, 950 (1994) should be changed because it conflicts with NRS 34.724(2) and NRAP 3C is unconstitutional because it requires attorneys to work as "indentured servants" on cases they have completed. Because Cannon is not entitled to the Lozada remedy, his challenge to the remedy is not properly raised in this appeal. As to Cannon's assertion regarding NRAP 3C, we conclude that Cannon has failed to demonstrate that NRAP 3C requires counsel to work as an

indentured servant or is unconstitutional. See NRAP 3C(b)(2) (requiring counsel to "adjust their public or private contracts for compensation to accommodate the additional duties imposed by [NRAP 3C]"); Wood v. State, 115 Nev. 344, 352, 990 P.2d 786, 791 (1999) (the fast track program does not violate the state and federal constitutions).

Having concluded that Cannon is not entitled to relief, we  
ORDER the judgment of the district court AFFIRMED.

, J.  
Hardesty

, J.  
Douglas

, J.  
Pickering

cc: Hon. Robert H. Perry, District Judge  
Karla K. Butko  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk