

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEPHEN RICHARD BARTLETT,  
Appellant,  
vs.  
JIM BENEDETTI, WARDEN; AND THE  
STATE OF NEVADA,  
Respondents.

No. 56770

**FILED**

**APR 06 2011**

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

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court dismissing appellant Stephen Richard Bartlett's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Robert H. Perry, Judge.


Bartlett contends that the district court erred by denying his petition because he was deprived of effective assistance of counsel. When reviewing the district court's resolution of an ineffective-assistance claim, we give deference to the court's factual findings if 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).


The district court determined Bartlett's claims of ineffective assistance were not well-founded because the Interstate Agreement on Detainers' 180-day dispositional requirement does not apply to sentencing hearings, see Prince v. State, 118 Nev. 634, 640, 55 P.3d 947, 950 (2002), and Bartlett failed to adequately demonstrate that he was entitled to credit for time served in the California prison, see Griffin v. State, 122 Nev. 737, 745, 137 P.3d 1165, 1170 (2006). Bartlett claims that the district court's reliance on Prince was misplaced and that the district court should have instead relied on Tinghitella v. State of California, 718 F.2d 308 (9th Cir. 1983). We conclude that Bartlett has not demonstrated that he was prejudiced by counsel's representation, 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, 987, 923 P.2d 1102, 1107 (1996), or the district court erred as a matter of law, see Prince, 118 Nev. at 638-40, 55 P.3d at 949-50 (rejecting Tinghitella), and therefore he is not entitled to relief on these claims. To the extent Bartlett requests that we reconsider our decision in Prince, we decline to do so.

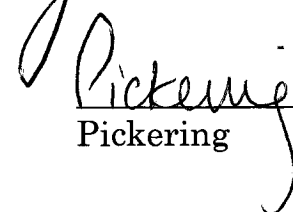
We further conclude that Bartlett is not entitled to relief on his claims that his "Sixth Amendment right to a speedy trial was abrogated by the district attorney's failing to sentence [him]" and the charge for "failure to appear" should have been dismissed because they did

not allege ineffective assistance of counsel or challenge the validity of the guilty plea. See NRS 34.810(1)(a). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

 J.  
Gibbons

 J.  
Cherry

 J.  
Pickering

cc: Hon. Robert H. Perry, District Judge  
Jeffrey S. Blanck  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>1</sup>Although we have elected to file Bartlett's fast track statement, it does not comply with this court's rules. See 3C(e)(1)(C); NRAP 28(e). Specifically, counsel for Bartlett failed to support nearly all of his assertions with citations to the appendix and the few citations he did provide did not reference the page numbers in the appendix. Counsel is cautioned that failure to comply with fast track statement requirements in the future may result in sanctions. See NRAP 3C(n).