

IN THE SUPREME COURT OF THE STATE OF NEVADA

DALE WALTER WARD,
Appellant,
vs.
WARDEN, NORTHERN NEVADA
CORRECTIONAL CENTER, DAVID
MILLIGAN,
Respondent.

DALE WALTER WARD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38435 **FILED**

AUG 15 2002

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

No. 38455

ORDER OF AFFIRMANCE

These are consolidated appeals from an order of the district court denying appellant Dale Walter Ward's post-conviction petitions for writs of habeas corpus.

On February 23, 1999, Ward was convicted, pursuant to an Alford¹ plea, of one count each of possession of a controlled substance and being an ex-felon in possession of a firearm in district court case no. CR96-1014. The district court sentenced Ward to serve consecutive prison terms of 12-34 months and 12-48 months; the sentences were suspended and Ward was placed on probation for an indeterminate period not to exceed 36 months. On September 14, 1999, Ward's probation was revoked and he

¹North Carolina v. Alford, 400 U.S. 25 (1970).

was ordered to serve his original sentence with credit for 194 days time served. Ward's appeal from the district court order revoking his probation was dismissed by this court.²

On September 14, 1999, Ward was convicted, pursuant to a guilty plea, of one count of possession of a controlled substance in district court case no. CR99-1291. The district court sentenced Ward to serve a prison term of 12-48 months, to be served consecutively to the sentence in district court case no. CR96-1014, and ordered him to pay restitution in the amount of \$637.77. Ward's direct appeal from the judgment of conviction was dismissed by this court.³

On November 5, 1999, Ward filed two proper person petitions for writs of habeas corpus in the district court. The district court appointed counsel to represent Ward in both cases, and a supplemental petition was filed. The district court conducted an evidentiary hearing, and on August 16, 2001, denied the petitions. These timely appeals followed.

In the petitions below, Ward presented claims of ineffective assistance of counsel. The district court found that counsel was not ineffective. The district court's factual findings regarding a claim of ineffective assistance of counsel are entitled to deference when reviewed


²Ward v. State, Docket No. 34973 (Order Dismissing Appeal, April 12, 2000).


³Ward v. State, Docket No. 34958 (Order Dismissing Appeal, March 21, 2000).

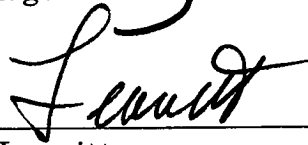
on appeal.⁴ Ward has not demonstrated that the district court's findings of fact are not supported by substantial evidence or are clearly wrong. Moreover, Ward has not demonstrated that the district court erred as a matter of law.⁵

Accordingly, for the reasons stated in the attached order of the district court, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

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

⁴See Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994).

⁵See id.