

IN THE SUPREME COURT OF THE STATE OF NEVADA

MELVIN MCCRANEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44976

FILED

JAN 12 2006

ORDER OF AFFIRMANCE

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

This is an appeal from an order of the district court denying appellant Melvin McCraney's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge.

The district court convicted McCraney, pursuant to a guilty plea, of one count of trafficking in a controlled substance and one count of possession of a firearm by an ex-felon. The district court sentenced McCraney to serve two consecutive prison terms of 28 to 72 months. A direct appeal was not taken; however, McCraney filed a timely post-conviction petition for a writ of habeas corpus. The State opposed the petition, and the district court heard oral argument and denied the petition. This appeal follows.

McCraney claims that the district court erred in finding that counsel was effective. He contends that counsel should have argued for concurrent sentences, urged the district court to consider letters written on his behalf, and presented other evidence that would have mitigated the harsh sentence imposed. We disagree.

To state a claim of ineffective assistance of counsel sufficient to invalidate a judgment of conviction, a petitioner must demonstrate that

counsel's performance fell below an objective standard of reasonableness.¹ A petitioner must further establish a reasonable probability that, in the absence of counsel's errors, the results of the proceedings would have been different.² The court can dispose of a claim if the petitioner makes an insufficient showing on either prong.³

In his plea agreement, McCraney stipulated to a sentence of two consecutive prison terms of 28 to 72 months, and in fact he received the sentence to which he stipulated. McCraney does not challenge the district court's finding that his guilty plea was entered knowingly, voluntarily, and intelligently. Moreover, he specifically asserts that he does not wish to withdraw his guilty plea. Given these facts, we conclude that McCraney failed to demonstrate that he was prejudiced by counsel's representation and that the district court erred by denying his petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Douglas, J.
Douglas

Becker, J.
Becker

Parraguirre, J.
Parraguirre

¹See Strickland v. Washington, 466 U.S. 668 (1984); Warden v. Lyons, 100 Nev. 430, 683 P.2d 504 (1984)

²Id.

³Strickland, 466 U.S. at 697.

cc: Hon. Joseph T. Bonaventure, District Judge
Robert L. Langford & Associates
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk