

IN THE SUPREME COURT OF THE STATE OF NEVADA

LESLY BLANCHARD, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45278

FILED

JAN 23 2006

ORDER OF AFFIRMANCE

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

This is an appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge. Appellant Lesly Blanchard was convicted, pursuant to a guilty plea, of two counts of attempted sexual assault. The district court sentenced Blanchard to serve two concurrent prison terms of 36-120 months.

Blanchard contends the district court erred by concluding that counsel was not ineffective. Specifically, Blanchard claims his counsel never discussed any possible defenses with him, promised Blanchard probation in exchange for a guilty plea, and failed to review discovery with him.

To state a claim of ineffective assistance of counsel sufficient to invalidate a judgment of conviction based on a guilty plea, a petitioner must demonstrate that his 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 The district court's factual findings regarding a claim of ineffective assistance of counsel are entitled to deference when reviewed on appeal.⁴ Further, a petitioner must demonstrate a reasonable probability that, but for counsel's errors, petitioner would not have pleaded guilty and would have insisted on going to trial.⁵

Blanchard alleged that trial counsel was ineffective for failing to review any defense options with him. This claim is belied by the record.⁶ The guilty plea agreement, which appellant stated he signed, read and understood, states that he "discussed with [his] attorney any

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.

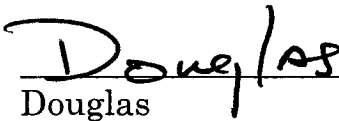
⁴Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994).


⁵See Hill v. Lockhart, 474 U.S. 52 (1985); Kirksey v. State, 112 Nev. 980, 923 P.2d 1102 (1996).

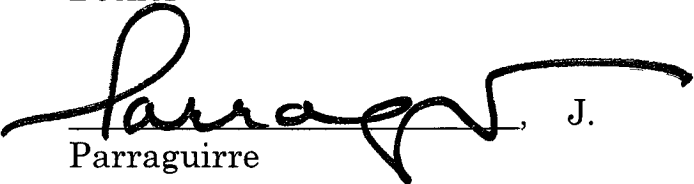
⁶See Hargrove v. State, 100 Nev. 498, 503, 686 P.2d 222, 225 (1984).

possible defenses, defense strategies and circumstances that might be in [his] favor." Furthermore, Blanchard never claims, much less makes a showing that but for his attorney's ineffective performance, that he would have proceeded to trial. In fact, by entering a guilty plea, appellant received a substantial benefit. In the information, Blanchard was charged with two counts of sexual assault and one count of first-degree kidnapping, which carry penalties of up to life in prison. Pursuant to negotiations, Blanchard pleaded guilty to only two counts of attempted sexual assault, which is a significant reduction in his potential incarceration time. As a result, Blanchard's claim of ineffective assistance of counsel is without merit and the district court properly rejected the claim. Therefore, we

ORDER the judgment of the district court AFFIRMED.

 _____, J.
Douglas

 _____, J.
Becker

 _____, J.
Parraguirre

cc: Hon. Donald M. Mosley, District Judge
Kirk T. Kennedy
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk