

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY STRICKLAND,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46554

FILED

APR 21 2006

ORDER OF AFFIRMANCE

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

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge.

On November 16, 2004, the district court convicted appellant, pursuant to a guilty plea, of two counts of robbery. The district court adjudicated appellant a habitual felon pursuant to NRS 207.012 on one robbery count and sentenced appellant to serve a term of life in the Nevada State Prison with the possibility of parole after ten years had been served. The district court further sentenced appellant to serve a consecutive term of two to five years in the Nevada State Prison for the second robbery count. No direct appeal was taken.

On October 4, 2005, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. On the same date that he filed his petition, appellant filed a motion for extension of time to file a memorandum in support of his petition. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On January 4, 2006, the district court denied

appellant's petition. The district court did not grant the motion for extension of time to file a memorandum. This appeal followed.

Preliminarily, we address the motion for extension of time to file a memorandum. In his motion, appellant asserted that he filed his petition to "stop the time clock" on the one-year statutory deadline for filing a timely habeas corpus petition.¹ Appellant indicated that he needed additional time because he was waiting for transcripts and documents. Our review of the record on appeal reveals that the district court did not abuse its discretion in declining to grant the relief requested.²

Three of the grounds for relief in the petition set forth the following claim:

Petitioner received ineffective assistance of counsel during a critical stage of the criminal proceedings in violation of petitioner's Sixth Amendment right to the United States Constitution and the Fourteenth Amendment to Equal Protection and Due Process of Law.

In the "Supporting Facts" section, appellant stated, "As to any and all supporting facts please see Memorandum in support of Petition for Writ of Habeas Corpus (Post-Conviction)." The fourth ground indicated that there were remaining claims of ineffective assistance of counsel to be set forth in the memorandum. However, no such memorandum was filed in the district court.

¹See NRS 34.726(1).

²See NRS 34.750(5) (providing that no further pleadings may be filed except as ordered by the court). Appellant's reliance on the Nevada Rules of Civil Procedure was misplaced as NRS chapter 34 specifically sets forth rules regarding supplements to the petition. See NRS 34.780.

A petitioner is required to support claims for relief with specific factual allegations.³ Because appellant failed to support grounds one through four with specific factual allegations, we conclude that the district court did not err in denying these claims for relief.

Appellant raised one claim for relief marginally supported by sufficient facts; it appears that appellant claimed that his trial counsel was ineffective for failing to advise him about a possible appeal or how to perfect an appeal.

Based upon our review of the record on appeal, we conclude that the district court did not err in determining that appellant failed to demonstrate that his counsel was ineffective.⁴ The written guilty plea agreement informed appellant of his limited right to a direct appeal.⁵ Further, this court has held that "there is no constitutional requirement that counsel must always inform a defendant who pleads guilty of the right to pursue a direct appeal" absent extraordinary circumstances.⁶ Appellant failed to demonstrate any such extraordinary circumstances in this case. Therefore, we conclude that the district court did not err in denying this claim.

³See NRS 34.735; Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).


⁴See Strickland v. Washington, 466 U.S. 668 (1984).

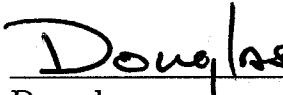
⁵See Davis v. State, 115 Nev. 17, 974 P.2d 658 (1999).

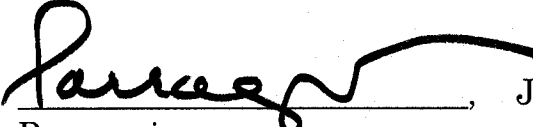
⁶See Thomas v. State, 115 Nev. 148, 150, 979 P.2d 222, 223 (1999).

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.⁷ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Rose


_____, J.
Douglas


_____, J.
Parraguirre

cc: Hon. Joseph T. Bonaventure, District Judge
Anthony Strickland
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁷See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).