

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE SAMUEL GEORGEFF,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

GEORGE SAMUEL GEORGEFF,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

No. 47251

FILED

OCT 04 2006

No. 47253

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

ORDER OF AFFIRMANCE

These are proper person appeals from orders of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Valorie Vega, Judge. We elect to consolidate these appeals for disposition.¹

On November 12, 2004, the district court convicted appellant, pursuant to a guilty plea, of one count of burglary in district court case number C196123. The district court sentenced appellant to serve a term of 4 to 10 years in the Nevada State Prison. No direct appeal was taken.

On November 17, 2004, the district court convicted appellant, pursuant to a guilty plea, of one count of burglary and one count of theft in

¹See NRAP 3(b).

district court case number C200970. The district court adjudicated appellant a habitual criminal and sentenced appellant to serve two concurrent terms of 5 to 20 years in the Nevada State Prison. The district court ordered the sentences in this case to run concurrently with the sentence in district court case number C196123. No direct appeal was taken.

On November 7, 2005, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court designating both district court case numbers. On that same day, appellant also filed a motion for an extension of time to file a supplement to the petition. The State opposed the petition and motion. On December 8, 2005, the district court granted appellant's motion and directed that appellant had until February 8, 2006, to file a supplement to the petition. No supplement was filed. 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 April 13, 2006, the district court entered a written order denying the petition in district court case number C196123, and on May 15, 2006, the district court entered a written order denying the petition in district court case number C200970. These appeals followed.

In the grounds for relief in his petition, appellant claimed that he received ineffective assistance of counsel. Appellant failed to set forth

any facts in support of his grounds for relief, and therefore, the district court did not err in denying these claims.²

To the extent that appellant claimed that his trial counsel was ineffective for failing to advise him of the right to appeal, we conclude that this claim lacked merit. The record on appeal reveals that appellant was advised of his limited right to appeal in the written guilty plea agreement. Specifically, appellant was advised that by entry of his plea he waived his "right to appeal the conviction . . . unless the appeal is based upon reasonable constitutional jurisdictional or other grounds that challenge the legality of the proceedings" Thus, appellant's contention that he was not advised of his limited right to appeal is belied by the record on appeal.³ Moreover, there is no constitutional requirement that counsel must always inform the defendant who pleads guilty of the right to pursue a direct appeal unless the defendant inquires about an appeal or there exists a direct appeal claim that has a reasonable likelihood of success.⁴ Appellant does not allege that he asked counsel to file a direct appeal and nothing in the record suggests that a direct appeal in appellant's case had

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

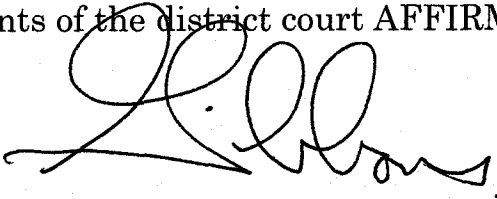
³See Davis v. State, 115 Nev. 17, 974 P.2d 658 (1999).

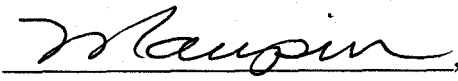
⁴See Thomas v. State, 115 Nev. 148, 150, 979 P.2d 222, 223 (1999); see also Roe v. Flores-Ortega, 528 U.S. 470 (2000); Davis, 115 Nev. at 20, 974 P.2d at 660.

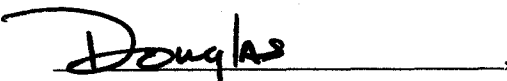
a reasonable likelihood of success. Therefore, we conclude that the district court did not err in denying this claim.

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.⁵ Accordingly, we

ORDER the judgments of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Valorie Vega, District Judge
George Samuel Georgeff
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁵See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).