

IN THE SUPREME COURT OF THE STATE OF NEVADA

KELLY DEAN ANDRUS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

KELLY DEAN ANDRUS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

SEP 06 2000

FILED

SEP 06 2000

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

No. 35041

ORDER DISMISSING APPEALS

These are consolidated appeals from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

Appellant was convicted, pursuant to a guilty plea, of four counts of possession of stolen property, two counts of burglary, and one count of fraudulent use of a credit card. The district court sentenced appellant to serve six consecutive prison terms of 12 to 48 months for the stolen property and burglary counts and a concurrent term of 12 to 48 months for the fraudulent use of a credit card. Appellant filed a direct appeal, which this court dismissed. See Andrus v. State, Docket No. 32331 (Order Dismissing Appeal, August 31, 1998).

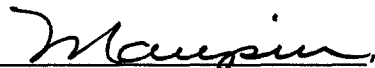
On March 2, 1999, appellant filed a post-conviction petition for a writ of habeas corpus. On September 15, 1999, the district court entered an order denying appellant's

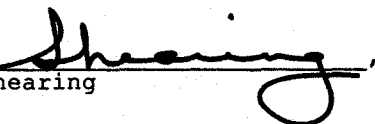
clean and that her attorney failed to ask her whether she possessed such intent.

We conclude appellant's argument is wholly without merit. The record repels appellant's contention that she did not commit all the elements of burglary in that she expressly admitted to committing the offense. Thus, appellant was not entitled to an evidentiary hearing. See Hargrove v. State, 100 Nev. 498, 503, 686 P.2d 222, 225 (1984). Therefore, the district court did not err in dismissing appellant's petition.

Having considered appellant's contention and concluded that it is without merit, we

ORDER these appeals dismissed.


Maupin J.


Shearing J.


Becker J.

cc: Hon. Brent T. Adams, District Judge
Attorney General
Washoe County District Attorney
Scott W. Edwards
Washoe County Clerk