

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALEXANDER D. SEVILLET,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 58990

**FILED**

FEB 08 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Anderson*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

In his petition filed on April 1, 2011, appellant raised two claims of ineffective assistance of counsel. To prove 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 was deficient in that it fell below an objective standard of reasonableness, and resulting prejudice such that there is a reasonable probability that, but for counsel's errors, petitioner would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59 (1985); Kirksey v. State, 112 Nev. 980, 988, 923 P.2d 1102, 1107 (1996). Both components of the inquiry must be shown. Strickland v. Washington, 466 U.S. 668, 697 (1984).

<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

First, appellant claimed that trial counsel was ineffective for failing to request a preliminary hearing after appellant decided not to accept the initial guilty plea offer. Appellant failed to demonstrate that counsel was deficient. Appellant unconditionally waived his right to a preliminary hearing, and therefore, the district court did not err in denying this claim.

Second, appellant claimed that trial counsel was ineffective for failing to call expert witnesses and character witnesses at an evidentiary hearing. Appellant failed to demonstrate that counsel was deficient or that he was prejudiced because he failed to allege specific facts that, if true, entitled him to relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). Appellant failed to identify what type of expert witness should have been called, what character witnesses should have been called, what these witnesses would have testified to, and at what hearing these witnesses should have been called. Therefore, the district court did not err in denying this claim.

Finally, appellant raised several claims that were outside the scope of a post-conviction petition for a writ of habeas corpus challenging a judgment of conviction based upon a guilty plea. See NRS 34.810(1)(a). Therefore, the district court did not err in denying these claims. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Cherry, J.  
Cherry

Pickering, J.  
Pickering

Hardesty, J.  
Hardesty

cc: Hon. Valerie Adair, District Judge  
Alexander D. Sevillet  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk