

IN THE SUPREME COURT OF THE STATE OF NEVADA

TODD MCCLARY A/K/A TODD TRENT  
MCCLARY,  
Appellants,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 59008

**FILED**

JAN 12 2012

TRAGIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Angerson*  
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; Michelle Leavitt, Judge.

In his petition filed on September 23, 2010, appellant claimed that his trial counsel failed to inform him of the right to appeal. Appellant failed to demonstrate that he was prejudiced by trial counsel's performance as he was informed of his limited right to appeal in the written guilty plea agreement.<sup>2</sup> Strickland v. Washington, 466 U.S. 668,

---

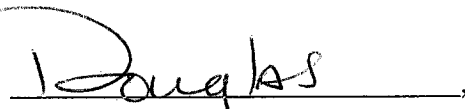
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

<sup>2</sup>Appellant further failed to demonstrate that trial counsel's performance was deficient as appellant did not allege that he inquired about the right to appeal or set forth a direct appeal claim that would have had a reasonable likelihood of success. Thomas v. State, 115 Nev. 148, 150, 979 P.2d 222, 223 (1999).

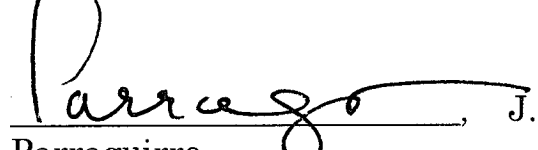
We further note that ground 1 in the petition failed to set forth any specific facts in support of the allegation of ineffective assistance of

687-88, 697 (1984); Davis v. State, 115 Nev. 17, 19, 974 P.2d 658, 659 (1999); Warden v. Lyons, 100 Nev. 430, 432-33, 683 P.2d 504, 505 (1984) (adopting the test in Strickland). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Michelle Leavitt, District Judge  
Todd McClary  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

---

counsel, and thus, the district court did not err in denying this claim. Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).