

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAIMON MONROE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60190

FILED

OCT 08 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.


In his petition filed on July 7, 2011, appellant claimed that he received ineffective assistance of trial counsel. To prove ineffective assistance of counsel, a petitioner must demonstrate that 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, the outcome of the proceedings would have been different. Strickland v. Washington, 466 U.S. 668, 687-88 (1984); Warden v. Lyons, 100 Nev. 430, 432-33, 683 P.2d 504, 505 (1984) (adopting the test in Strickland). Both components of the inquiry must be shown. Strickland, 466 U.S. at 697.

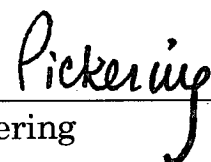
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

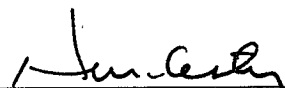
Appellant claimed that his trial counsel failed to challenge the search warrant as being fraudulently entered more than one year after the search. Appellant claimed that trial counsel was aware of official corruption and a federal investigation but nevertheless failed to challenge the search warrant. Appellant failed to demonstrate that his trial counsel's performance was deficient or that he was prejudiced. Appellant failed to demonstrate that the search warrant was fraudulently entered and that any allegation of official corruption in this case existed outside of appellant's own mind. Therefore, we conclude that the district court did not err in denying this claim.

Next, appellant claimed that there was not a valid search warrant, officials committed misconduct, and a federal investigation hindered his ability to receive a fair trial. These claims were waived as they should have been presented on direct appeal and appellant failed to demonstrate good cause and actual prejudice for his failure to do so. NRS 34.810(1)(b), (3). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Douglas W. Herndon, District Judge
Daimon Monroe
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk