

IN THE SUPREME COURT OF THE STATE OF NEVADA

DONNIE RAY PAGE,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 35868

**FILED**

JAN 23 2001

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

On August 17, 1995, the district court convicted appellant, pursuant to a jury verdict, of possession of a firearm by an ex-felon (Count I), discharging a firearm at or into a structure (Count II and Count III), battery with the use of a deadly weapon (Count IV), and attempted murder with the use of a deadly weapon (Count V). The district court sentenced appellant to serve the following terms in the Nevada State Prison: for Count I, a term of five years; for Count II, a term of five years, to run concurrently to Count I; for Count III, a term of five years to run concurrently to Count II; for Count IV, a term of seven years to run consecutively to Count III; for Count V, two consecutive ten year terms to run consecutively to Count IV. This court dismissed appellant's direct appeal. Page v. State, Docket No. 27519 (Order Dismissing Appeal, September 10, 1998).

On September 14, 1999, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel

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to represent appellant or to conduct an evidentiary hearing. On February 29, 2000, the district court denied appellant's petition. This appeal followed.

In his petition, appellant contended that he received ineffective assistance of counsel. Specifically, appellant claimed that his counsel failed to perform any pre-trial investigation, and failed to properly cross-examine the State's witnesses. Appellant claimed that his counsel's ineffectiveness resulted in his wrongful conviction.

To state a claim of ineffective assistance of counsel sufficient to invalidate a judgment of conviction, a defendant must demonstrate that counsel's performance fell below an objective standard of reasonableness, and that counsel's errors were so severe that they rendered the jury's verdict unreliable. See Strickland v. Washington, 466 U.S. 668 (1984); Warden v. Lyons, 100 Nev. 430, 683 P.2d 504 (1984), cert. denied, 471 U.S. 1004 (1985). Furthermore, tactical decisions of counsel are virtually unchallengeable absent extraordinary circumstances. See Howard v. State, 106 Nev. 713, 800 P.2d 175 (1990).


We conclude that the district court did not err in denying appellant's petition. Appellant failed to demonstrate that counsel's performance fell below an objective standard of reasonableness or that any alleged errors rendered the jury's verdict unreliable. See Strickland, 466 U.S. at 687. Appellant failed to provide any facts in support of his allegations. See Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).

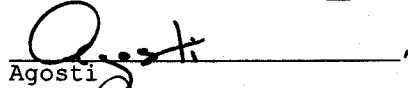
Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d


910, 911 (1975), cert. denied, 423 U.S. 1077 (1976).

Accordingly, we affirm the order of the district court.

It is so ORDERED.<sup>1</sup>

  
Shearing J.

  
Agosti J.

  
Leavitt J.

cc: Hon. John S. McGroarty, District Judge  
Attorney General  
Clark County District Attorney  
Donnie Ray Page  
Clark County Clerk

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<sup>1</sup>We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.