

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KEVIN BROOKS A/K/A KEVIN
DWAYNE BROOKS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66519

FILED

FEB 04 2015

TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court 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 May 12, 2014, appellant claimed that counsel was ineffective because he told appellant that, by pleading guilty, he would receive a sentence of no more than 10 years in prison. 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,


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 *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

923 P.2d 1102, 1107 (1996). Both components of the inquiry must be shown. *Strickland v. Washington*, 466 U.S. 668, 697 (1984).

Appellant failed to demonstrate that trial counsel was deficient or that he was prejudiced. Appellant was informed in the guilty plea agreement and during the guilty plea canvass that the maximum sentence he could receive was 20 years in prison. He was also informed that the district court did not have to follow the recommendation of the parties, and appellant acknowledged he had not been promised a specific sentence. Further, appellant received a significant benefit by pleading guilty. Appellant was facing the possibility of several life sentences if he went to trial and counsel was not deficient for telling appellant he should plead guilty for a reduced sentence. Therefore, appellant failed to demonstrate that he would not have pleaded guilty and would have insisted on going to trial. Accordingly, we conclude that the district court did not err by denying appellant's petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

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