

IN THE SUPREME COURT OF THE STATE OF NEVADA

HENRY SASHINGER, JR.,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 36426

**FILED**

NOV 15 2000

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

ORDER OF AFFIRMANCE

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

Appellant was convicted, pursuant to a jury verdict, of nine separate offenses: burglary (counts I, V, and VII); conspiracy to commit larceny (count II); grand larceny (count III); conspiracy to commit burglary (counts VI and VIII); fraudulent use of a credit card (count IX); and possession of credit cards without consent (count X). The district court sentenced appellant to multiple prison terms. Appellant filed a direct appeal, which this court dismissed. See Sashinger v. State, Docket No. 28414 (Order Dismissing Appeal, April 10, 1998).

Appellant then filed in the district court a post-conviction petition for a writ of habeas corpus, alleging ineffective assistance of counsel. The district court denied the petition, and appellant now appeals.

Appellant's sole contention on appeal is that his trial counsel was ineffective for failing to request a Petrocelli<sup>1</sup> hearing with regard to certain prior bad act evidence, and therefore, the district court erred in denying his post-conviction petition. We disagree.

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). The court need not consider both prongs of the Strickland test if the defendant makes an insufficient showing on either prong. See Strickland, 466 U.S. at 697.


Here, appellant claims his counsel was ineffective for not seeking a Petrocelli hearing regarding prior uncharged bad act evidence that appellant possessed drugs and drug paraphernalia. However, in his habeas petition, appellant specifically claims that he went into the casino for the purpose of obtaining drugs and not to steal. We therefore conclude the district court correctly determined that appellant failed to show that his trial counsel erred or that the admission of the prior bad act evidence rendered the jury's verdict unreliable.

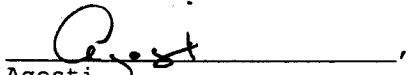
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<sup>1</sup>Petrocelli v. State, 101 Nev. 46, 692 P.2d 503 (1985).

Having considered appellant's contention and concluded it is without merit, we affirm the order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

It is so ORDERED.

  
Shearing J.

  
Agosti J.

  
Leavitt J.

cc: Hon. James W. Hardesty, District Judge  
Attorney General  
Washoe County District Attorney  
Janet Cobb Schmuck  
Washoe County Clerk