

IN THE SUPREME COURT OF THE STATE OF NEVADA

GERALD LEE MORGAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 37852

FILED

MAY 15 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Ribad*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

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

On September 5, 1995, Morgan was convicted, pursuant to a guilty plea, of attempted murder with the use of a deadly weapon. The district court sentenced Morgan to serve two consecutive prison terms of 20 years. Morgan filed a direct appeal, and this court affirmed his conviction.¹

On April 27, 2002, Morgan filed a proper person post-conviction petition for a writ of habeas corpus. The State opposed the petition, and the district court appointed counsel. After conducting an evidentiary hearing, the district court denied the petition finding that Morgan's counsel was not ineffective. Morgan filed the instant appeal.

Morgan contends that the district court erred in denying his petition because his counsel was ineffective. In particular, Morgan contends that his counsel's representation was deficient because counsel failed to: (1) file a pretrial writ of habeas corpus challenging venue in Lyon County; (2) investigate whether Morgan shot the victim; (3) recognize that Morgan was not competent to plead guilty because he was

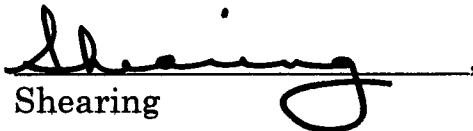
¹Morgan v. State, Docket No. 27930 (September 24, 1999).

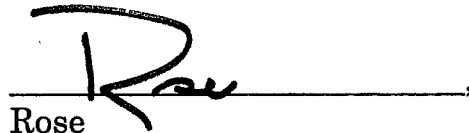
taking a prescription antidepressant; and (4) point out errors in the presentence investigation report at Morgan's sentencing.

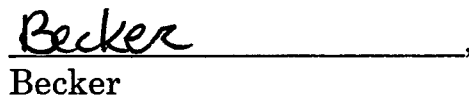
We conclude the district did not err in denying Morgan's claims. Our review of the record reveals that Morgan failed to demonstrate that his counsel's representations fell below an objective standard of reasonableness, or that but for his counsel's errors Morgan would not have pleaded guilty but instead would have requested a trial.²

Having considered Morgan's contentions and concluded that they lack merit, we

ORDER the judgment of the district court AFFIRMED.

 _____, J.
Shearing

 _____, J.
Rose

 _____, J.
Becker

cc: Hon. Archie E. Blake, District Judge
Robert W. Witek
Attorney General/Carson City
Lyon County District Attorney
Lyon County Clerk

²See Kirksey v. State, 112 Nev. 980, 987-88, 923 P.2d 1102, 1107 (1996); see also Hill v. Lockhart, 474 U.S. 52 (1985); Strickland v. Washington, 466 U.S. 668 (1984).