

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER CORNELL ELLIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 38019

FILED

JUN 27 2002

ORDER OF AFFIRMANCE

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

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 21, 1995, the district court convicted appellant, pursuant to an Alford<sup>1</sup> plea, of two counts of attempted murder with the use of a deadly weapon. The district court sentenced appellant to serve a total of thirty-six years in the Nevada State Prison. This court dismissed appellant's direct appeal.<sup>2</sup>

On February 14, 2001, 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 to represent appellant or to

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<sup>1</sup>North Carolina v. Alford, 400 U.S. 25 (1970).

<sup>2</sup>Ellis v. State, Docket No. 27646 (Order Dismissing Appeal, July 24, 2000).

conduct an evidentiary hearing. On May 7, 2001, the district court denied appellant's petition. This appeal followed.

In his petition, appellant first contended that he received ineffective assistance of trial and appellate counsel. Our review of the record on appeal reveals that the district court did not err in rejecting appellant's claims of ineffective assistance of counsel. Appellant failed to provide specific facts indicating how his trial or appellate counsel's performance was deficient or that he suffered any prejudice.<sup>3</sup> Thus, appellant failed to demonstrate that he received ineffective assistance of trial or appellate counsel.

Next, appellant contended that he was "deprived of his state and federal constitutional rights to due process of law, equal protection of the laws, the prohibition against cruel and unusual punishment, and a reliable sentence" by this court's "inadequate review of his conviction and sentence." Based upon our review of the record on appeal, we conclude that the district court did not err in denying this claim. This claim fell outside the scope of claims permissible in a habeas corpus petition when the conviction is based upon a guilty plea.<sup>4</sup>

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<sup>3</sup>See Kirksey v. State, 112 Nev. 980, 987-88, 923 P.2d 1102, 1107 (1996); Strickland v. Washington, 466 U.S. 668 (1984); Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).


<sup>4</sup>See NRS 34.810(1)(a) (limiting claims in a habeas corpus petition when the conviction is based upon a guilty plea to claims of ineffective assistance of counsel or claims challenging the validity of the plea).

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.<sup>5</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. Joseph T. Bonaventure, District Judge  
Attorney General/Carson City  
Clark County District Attorney  
Christopher Cornell Ellis  
Clark County Clerk

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<sup>5</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).