

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEANGELO LAMONT MITCHELL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 42638

**FILED**

**MAR 27 2006**

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

This is an appeal from a district court order denying appellant Deangelo Mitchell's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

On March 8, 2001, the district court convicted Mitchell, pursuant to a jury verdict, of burglary while in possession of a firearm, conspiracy to commit robbery, robbery with the use of a deadly weapon, and two counts of first-degree murder with the use of a deadly weapon. He was sentenced to serve two consecutive terms of life in prison with the possibility of parole in 20 years for one of the murder counts, plus various prison terms to run consecutively and concurrently to one another on the remaining counts. This court affirmed his conviction on direct appeal.<sup>1</sup>

Mitchell filed in the district court a post-conviction petition for a writ of habeas corpus in proper person on April 16, 2003, raising several claims for relief. The State opposed the petition, and Mitchell was later appointed counsel. After hearing arguments, the district court issued an

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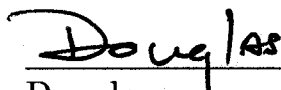
<sup>1</sup>Mitchell v. State, Docket No. 37531 (Order of Affirmance, July 10, 2002).


order on January 2, 2004, denying Mitchell post-conviction habeas relief. This appeal followed.

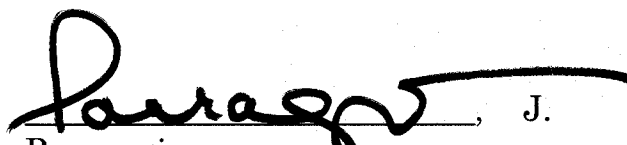
The only issue raised before us is whether Mitchell's appellate counsel was ineffective for failing to "federalize" his direct appeal claims and adequately preserve them for federal review.

Mitchell has failed to demonstrate any probability that had his appellate counsel more thoroughly "federalized" his claims on direct appeal that he would have met more success in that proceeding before this court,<sup>2</sup> and we decline to opine as to what claims the federal courts may or may not review. That determination is within the province of the federal courts. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Parraguirre

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<sup>2</sup>See Strickland v. Washington, 466 U.S. 668, 687 (1984); Kirksey v. State, 112 Nev. 980, 998, 923 P.2d 1102, 1113-14 (1996).

cc: Hon. Lee A. Gates, District Judge  
Robert L. Langford & Associates  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk