

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAHEEM ROBINSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69488

FILED

JUL 26 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.

Appellant Raheem Robinson claims the district court erred in denying his petition filed on September 21, 2015, because it did not consider his age and the fact he takes medication for his mental health issues. In his petition, Robinson claimed he was deprived of effective assistance of counsel.

To prevail on a claim of ineffective assistance of counsel, a petitioner must show (1) counsel's performance was deficient because it fell below an objective standard of reasonableness and (2) the deficiency prejudiced the defense. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). To demonstrate prejudice sufficient to invalidate a judgment of conviction based on a guilty plea, the petitioner must show that, but for trial counsel's errors, petitioner would not have pleaded guilty and would have insisted on going to trial. *Kirksey v. State*, 112 Nev. 980, 988, 923

¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

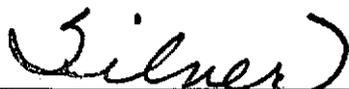
P.2d at 1102, 1107 (1996). Both components of the ineffective-assistance inquiry—deficiency and prejudice—must be shown. *Strickland*, 466 U.S. at 697. We review the district court’s resolution of ineffective-assistance claims de novo, giving deference to the court’s factual findings if they are supported by substantial evidence and not clearly wrong. *Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005).

Robinson claimed defense counsel was ineffective for not considering his history of suicidal behavior, failing to keep his family informed, and failing to acquire the documents from his stay in a mental hospital. Because these claims are bare allegations and insufficient to prove counsel’s ineffectiveness, we conclude the district court did not err in denying Robinson’s petition. *See Means v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004) (petitioner must prove the facts underlying his claims of ineffective assistance of counsel by a preponderance of the evidence). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Kerry Louise Earley, District Judge
Raheem Robinson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk