

IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDERICK JEROME WOODS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 36408

FILED

OCT 25 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. DeBate*
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 originally convicted, pursuant to a guilty plea, of one count of driving under the influence of alcohol, causing the death of another, and one count of driving under the influence of alcohol, causing the substantial bodily harm of another.¹ The district court sentenced appellant to consecutive prison terms of 15 years for each count.

In his petition, appellant argued that his attorney did not investigate the case adequately before advising him to accept the offer of a plea agreement, and that his attorney was therefore ineffective.

In denying the petition, the district court noted that prior to the entry of the guilty plea, the defense had

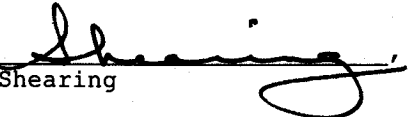
¹The facts upon which appellant was convicted are fully recounted in *Woods v. State*, 114 Nev. 468, 958 P.2d 91 (1998).

hired three experts who all concluded that appellant was driving the vehicle at the time of the accident, despite appellant's claim that one of the victims was the actual driver. The district court further noted that the defense hired a forensic pathologist who was unable to disprove that appellant was the driver. We conclude that the district court correctly concluded that counsel's performance did not fall below an objective standard of reasonableness, and that counsel was therefore not ineffective. See Strickland v. Washington, 466 U.S. 668 (1984); Kirksey v. State, 112 Nev. 980, 923 P.2d 1102 (1996).

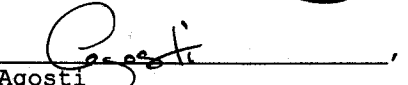
Appellant further contends that the district court erred by denying his request for fees for additional experts to testify at the post-conviction hearing. Specifically, appellant argues that he should have been allowed to have testing conducted on blood that was found at the scene of the accident. The purpose of the testing, however, is to show that appellant was not driving at the time of the accident and that he is therefore innocent. This court has held: "Following a plea of guilty in open court while competently represented by counsel an applicant for habeas corpus in a collateral proceeding may not re-litigate the question of his guilt or innocence." Hall v. Warden, 83 Nev. 446, 456, 434 P.2d 425, 431 (1967). We conclude that the district court did not err by denying appellant's motion.

Having considered appellant's contentions and concluded that they are without merit, the order of the district court is affirmed.

It is so ORDERED.



Shearing J.



Agosti J.



Leavitt J.

cc: Hon. William A. Maddox, District Judge
Attorney General
Carson City District Attorney
William G. Rogers
Carson City Clerk