

IN THE SUPREME COURT OF THE STATE OF NEVADA

CINQUE GRIM,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 44120

FILED

JAN 20 2005

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing appellant's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

On August 29, 2002, the district court convicted appellant, pursuant to a guilty plea, of one count of trafficking in a controlled substance (high-level). The district court sentenced appellant to serve a term of life in the Nevada State Prison with the possibility of parole after ten years. This court affirmed appellant's judgment of conviction on direct appeal.<sup>1</sup> The remittitur issued on December 2, 2003.

On May 19, 2004, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State filed a motion to dismiss the petition. Pursuant to NRS 34.750 and

---

<sup>1</sup>Grim v. State, Docket No. 40230 (Order of Affirmance, November 5, 2003).

34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On September 16, 2004, the district court dismissed appellant's petition. This appeal followed.

Appellant's claim for relief is nearly incomprehensible. It appears that appellant argued that the district court failed to consider a presentence request to withdraw the guilty plea made at the sentencing hearing.

We conclude that the district court did not err in denying appellant's petition. Appellant waived this claim by failing to raise it on direct appeal, and appellant did not demonstrate good cause for his failure to do so.<sup>2</sup> To the extent that appellant challenged the district court's denial of a prior presentence motion to withdraw a guilty plea, this claim was previously considered on direct appeal, and consequently, this claim is barred by the doctrine of the law of the case.<sup>3</sup> Finally, to the extent that appellant challenged the voluntary and knowing nature of his guilty plea, appellant failed to provide sufficient specific facts supporting his allegation.<sup>4</sup>

---

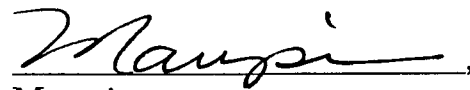
<sup>2</sup>See Franklin v. State, 110 Nev. 750, 877 P.2d 1058 (1994) overruled on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999).

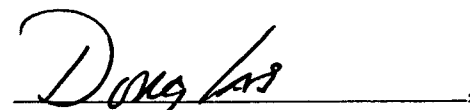
<sup>3</sup>See Hall v. State, 91 Nev. 314, 535 P.2d 797 (1975).

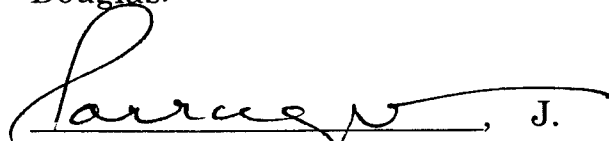
<sup>4</sup>See Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).

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.  
Maupin

 J.  
Douglas

 J.  
Parraguirre

cc: Hon. Steven R. Kosach, District Judge  
Cinque Grim  
Attorney General Brian Sandoval/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk

---

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