

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALFRED DAVID LUDDY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 44973

**FILED**

**MAR 16 2006**

ORDER OF AFFIRMANCE

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

Appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

Appellant Alfred Luddy was convicted, pursuant to a guilty plea, of sexual assault upon a child and resisting an officer with the use of a deadly weapon. For the sexual assault, Luddy was sentenced to a prison term of 20 years to life. He received a shorter concurrent sentence for resisting.

Luddy's sole issue on appeal is that the district court erred in rejecting his claim that his guilty plea was not knowing, voluntary, or intelligent because he was not mentally competent at the time he entered the plea.

Pursuant to an agreement between the parties, the district court appointed two experts. Both experts were of the opinion that Luddy was competent when he pleaded guilty. There is nothing in the record to indicate appellant was not competent to enter into the guilty plea.<sup>1</sup> A

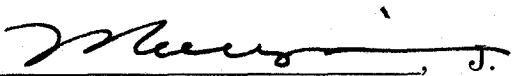
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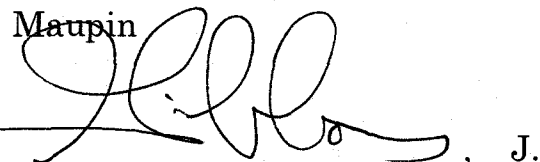
<sup>1</sup>See NRS 178.400(2) (providing that a person is incompetent if the person is not of sufficient mentality to understand the criminal charges against him and, because of the insufficiency, is not able to aid or assist

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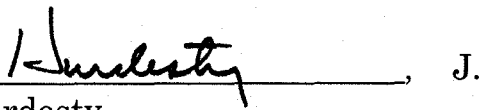
competency hearing was held but neither the State nor Luddy presented additional evidence. "[F]indings will be sustained on appeal when substantial evidence exists to support them."<sup>2</sup> Luddy has failed to demonstrate he was incapable of making an intelligent decision at the time he entered his plea, or that he was unable to understand the nature and consequences of his plea.<sup>3</sup> Therefore we,

ORDER the judgment of the district court AFFIRMED.

 J.

Maupin  
 J.

Gibbons

 J.  
Hardesty

cc: Hon. Brent T. Adams, District Judge  
Scott W. Edwards  
Attorney General George Chanos/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk

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counsel in the defense at trial or against pronouncement of judgment); Godinez v. Moran, 509 U.S. 389 (1993) (the level of competency required to enter a guilty plea is the same as that to stand trial).

<sup>2</sup>Ogden v. State, 96 Nev. 697, 698, 615 P.2d 251, 252 (1980).

<sup>3</sup>See NRS 178.400(2).