

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOBBETTE C. SANTIAGO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45090

FILED

JUN 29 2005

ORDER OF AFFIRMANCE

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

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

On June 29, 2004, the district court convicted appellant, pursuant to a guilty plea, of two counts of trafficking in a controlled substance (mid-level). The district court sentenced appellant to serve two consecutive terms of twenty-four to eighty-four months in the Nevada State Prison. On October 18, 2004, the district court entered an amended judgment of conviction to include 187 days of presentence credits. No direct appeal was taken.

On November 30, 2004, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On March 7, 2005, the district court entered an order denying appellant's petition. This appeal followed.

In her petition, appellant claimed that the district court should have imposed her terms to run concurrently.¹ She claimed that the district court may have imposed consecutive sentences in error. Appellant claimed that she has participated in various rehabilitative programs during her incarceration. She further sought transcripts at state expense.

Our review of the record on appeal reveals that the district court did not err in denying appellant's petition. Appellant's claims fell outside the scope of claims permissible in a habeas corpus petition challenging a conviction based upon a guilty plea.² To the extent that appellant's petition may be construed as a motion to modify a sentence, we conclude that the district court did not err in denying relief. Appellant failed to demonstrate that the district court in sentencing appellant made a material mistake about her criminal record that worked to her extreme detriment.³ We finally conclude that the district court did not err in denying appellant's request for transcripts.⁴ Therefore, we affirm the order of the district court.

¹Appellant also contended that the district court judge had been removed from office for judicial misconduct. However, this contention is without merit.


²See NRS 34.810(1)(a).

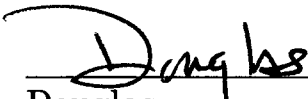
³See Edwards v. State, 112 Nev. 704, 918 P.2d 321 (1996).

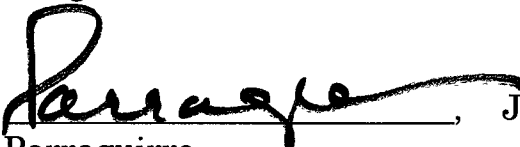
⁴See Peterson v. Warden, 87 Nev. 134, 136, 483 P.2d 204, 205 (1971).

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.⁵ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Maupin


_____, J.
Douglas


_____, J.
Parraguirre

cc: Hon. Donald M. Mosley, District Judge
Bobbette C. Santiago
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

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