

IN THE SUPREME COURT OF THE STATE OF NEVADA

REOLA VAUGHN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45484

**FILED**

SEP 20 2005

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
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 February 24, 2004, the district court convicted appellant, pursuant to a guilty plea, of one count of burglary. The district court adjudicated appellant a habitual criminal and sentenced appellant to serve a term of sixty months to two-hundred and forty months in the Nevada State Prison. No direct appeal was taken.

On February 17, 2005, 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 June 8, 2005, the district court denied appellant's petition. This appeal followed.

In his petition, appellant contended that the indictment was procured without sufficient evidence, her sentence was excessive, and the habitual criminal enhancement was improperly imposed where the prior convictions were not presented to a jury for a decision on the issue of habitual criminality. We conclude that the district court properly denied these claims. These claims fell outside the scope of claims permissible in a post-conviction petition for a writ of habeas corpus challenging a judgment of conviction based upon a guilty plea.<sup>1</sup>

Next, it appears that appellant argued that she did not pursue a direct appeal because she was not informed by her trial counsel that a direct appeal could be taken from a guilty plea. Appellant failed to demonstrate that her counsel was ineffective for allegedly failing to inform her of the right to appeal.<sup>2</sup> The written guilty plea agreement correctly informed appellant of her limited right to a direct appeal.<sup>3</sup> Appellant did not state that she asked counsel or otherwise expressed a desire for an appeal to her counsel.<sup>4</sup> Therefore, we affirm the order of the district court.

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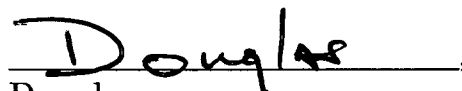
<sup>1</sup>See NRS 34.810(1)(a).

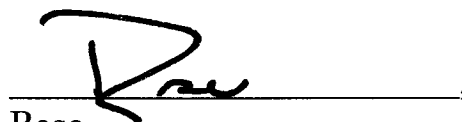
<sup>2</sup>See Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999).

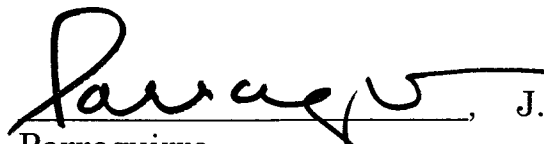
<sup>3</sup>See Davis v. State, 115 Nev. 17, 974 P.2d 658 (1999).

<sup>4</sup>See id.

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.  
Douglas

 J.  
Rose

 J.  
Parraguirre

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

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