

IN THE SUPREME COURT OF THE STATE OF NEVADA

GENE ANTHONY ALLEN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45643

**FILED**

OCT 25 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 "personal restraint petition." Eighth Judicial District Court, Clark County; John S. McGroarty, Judge.

On April 7, 2003, the district court convicted appellant, pursuant to a guilty plea, of one count of sexual assault on a minor under the age of sixteen years and one count of lewdness with a child under the age of fourteen years. The district court sentenced appellant to serve in the Nevada State Prison a term of five to twenty years for sexual assault and a concurrent term of life with the possibility parole after ten years had been served for lewdness. This court affirmed appellant's judgment of conviction on direct appeal.<sup>1</sup> The remittitur issued on April 6, 2004. Appellant unsuccessfully sought post-conviction relief.<sup>2</sup>

On May 27, 2005, appellant filed a proper person document labeled "personal restraint petition" in the district court. On June 30, 2005, the district court denied the petition. This appeal followed.

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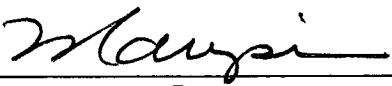
<sup>1</sup>Allen v. State, Docket No. 41274 (Order of Affirmance, March 11, 2004).


<sup>2</sup>Allen v. State, Docket No. 44991 (Order of Affirmance and Dismissing Appeal in Part, June 14, 2005); Allen v. State, Docket No. 44180 (Order of Affirmance, March 4, 2005); Allen v. State, Docket No. 43599 (Order of Affirmance and Dismissing Appeal in Part, December 6, 2004); Allen v. State, Docket No. 42969 (Order of Affirmance, September 17, 2004).

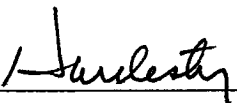
The district court denied the petition as it was too vague. Having reviewed the documents before this court, we conclude that the district court did not err in denying the petition. The petition is largely unintelligible. To the extent that appellant challenged the validity of his guilty plea, appellant failed to carry his burden of demonstrating that his guilty plea was not validly entered.<sup>3</sup>

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>4</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>5</sup>

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

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<sup>3</sup>Bryant v. State, 102 Nev. 268, 721 P.2d 364 (1986); see also Hubbard v. State, 110 Nev. 671, 877 P.2d 519 (1994).

<sup>4</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

<sup>5</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. John S. McGroarty, District Judge  
Gene Anthony Allen  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk