

IN THE SUPREME COURT OF THE STATE OF NEVADA

KRISTINE S. WESTIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45766

FILED

FEB 17 2006

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. P. [Signature]*
CHIEF DEPUTY CLERK

This is an appeal from an order of the district court denying appellant Kristine S. Westin's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge.

On November 12, 2003, the district court convicted Westin, pursuant to a guilty plea, of one count of child abuse and neglect with substantial bodily harm and one count of involuntary manslaughter. The district court sentenced Westin to serve a prison term of 48 to 240 months for child abuse and neglect and a consecutive term of 12 to 48 months for involuntary manslaughter. No direct appeal was taken.

On November 15, 2004, Westin filed a proper person post-conviction petition for a writ of habeas corpus in which she challenged the validity of her guilty plea.¹ Westin's petition was untimely filed.

¹Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986) (providing that challenges to the validity of a guilty must be raised in the district court in the first instance through either a motion to withdraw the guilty plea or a post-conviction petition for a writ of habeas corpus).

However, the district court found good cause for the delay, and we conclude that the district court did not abuse its discretion.² The district court appointed counsel, who filed supplemental points and authorities in support of the petition. After conducting an evidentiary hearing, the district court denied the petition. This appeal follows.

Westin contends that the district court erred when it found that she knowingly and voluntarily entered a guilty plea and that she received effective assistance of counsel. During the evidentiary hearing on her petition, Westin conceded that she signed the plea agreement and that she was properly canvassed by the district court. Attorney Drew Christensen testified that Westin was anxious, nervous, emotional, and suicidal, but at no time during his representation did he think she was incompetent. Christensen further testified that he thoroughly explained the plea agreement, the sentencing stipulation, and the reality of parole eligibility to Westin.

The district court's factual findings are entitled to deference when reviewed on appeal.³ In her appeal, Westin has not demonstrated that the district court's findings of fact are not supported by substantial evidence or are clearly wrong. Nor has she shown that the district court

²See NRS 34.726(1).

³See Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994).

erred as a matter of law. Accordingly, we conclude that Westin has failed to demonstrate that the district court abused its discretion,⁴ and we

ORDER the judgment of the district court AFFIRMED.

Douglas, J.
Douglas

Becker, J.
Becker

Parraguirre, J.
Parraguirre

cc: Hon. Joseph T. Bonaventure, District Judge
Anthony M. Goldstein
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁴See Hubbard v. State, 110 Nev. 671, 675, 877 P.2d 519, 521 (1994) (providing that this court will not reverse a district court's determination concerning the validity of a plea absent a clear abuse of discretion).