

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTIAN C. CAPLES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45865

FILED

JUN 29 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a district court order denying appellant's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

On February 10, 2003, appellant Christian C. Caples was convicted, pursuant to a guilty plea, of count each of first-degree murder and aggravated stalking. The district court sentenced Caples to serve a prison term of life with parole eligibility in 20 years for the murder count and a consecutive prison term of 5 to 15 years for the stalking count. Caples did not file a direct appeal.

On February 5, 2004, Caples filed a proper person post-conviction petition for a writ of habeas corpus. The State opposed the petition. The district court appointed counsel to represent Caples, and counsel filed a supplement to the petition. After hearing argument from counsel, the district court denied the petition. Caples filed this timely appeal.

Caples contends that the district court abused its discretion by denying his petition, without conducting an evidentiary hearing, because his guilty plea was involuntary. In particular, Caples argues that he was under the influence of Elavil, a psychotropic drug, which caused him to be

confused and plead guilty to first-degree murder when, in fact, he had a viable claim of self-defense. We conclude that Caples' contention lacks merit.

A guilty plea is presumptively valid, and Caples carries the burden of establishing that the plea was not entered knowingly and intelligently.¹ This court will not reverse a district court's determination concerning the validity of a plea absent a clear abuse of discretion.²

We conclude that the district court did not abuse its discretion in rejecting Caples' challenge to the validity of his guilty plea. Caples' claim that the Elavil impaired his judgment is belied by the record.³ In his signed plea agreement, Caples acknowledged that he was not acting under the influence of any drug that impaired his ability to understand the agreement or the proceedings surrounding the entry of his plea. Further, the transcript of the plea canvass indicates that Caples had a rational and factual understanding of the proceedings below and was able to appropriately respond to the district court's questions.⁴ Specifically, Caples described the shooting, stating that he and the victim had "agreed

¹Bryant v. State, 102 Nev. 268, 721 P.2d 364 (1986); see also Hubbard v. State, 110 Nev. 671, 877 P.2d 519 (1994).

²Hubbard, 110 Nev. at 675, 877 P.2d at 521.

³Hargrove v. State, 100 Nev. 498, 503, 686 P.2d 222, 225 (1984).

⁴See Godinez v. Moran, 509 U.S. 389, 396 (1993) (A defendant is competent to enter a plea if he has: (1) "sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding"; and (2) "a rational as well as factual understanding of the proceedings against him.") (quoting Dusky v. United States, 362 U.S. 402, 402 (1960)).

to meet to rendezvous at a particular location" and "it was a challenge to a fight." Caples also informed that district court that he brought "a Colt .380," he "had a specific intent to kill," and he "shot [the victim] several times, and the shots proved fatal." The coherent nature of Caples' statements at the plea canvass belies his claim that he was incompetent to plead guilty because he was taking Elavil.

Additionally, Caples contends that the district court erred by denying his petition because defense counsel, Bill Terry, was ineffective. In particular, Caples alleges that his defense counsel was ineffective for failing to investigate, interview witnesses, and properly communicate. We conclude that the district court did not err by rejecting Caples' claims of ineffective assistance of counsel.⁵

Caples failed to identify the exculpatory evidence or witnesses that trial counsel would have uncovered with further investigation or communication.⁶ Further, at the plea canvass and in the signed guilty plea agreement, Caples acknowledged that he had discussed all possible defenses with his attorney and that he was satisfied with his defense counsel's representation. Finally, we note that Caples received a substantial benefit under the plea agreement in that the State dismissed the deadly weapon and possession of a controlled substance counts and agreed to recommend a stipulated sentence, which was imposed by the district court. And, as noted by the district court at the post-conviction argument, the State's evidence against Caples was convincing. According to an eyewitness to the crime, Caples shot at the victim from inside his car

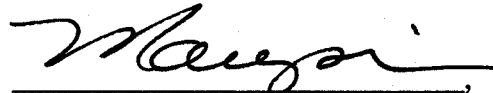
⁵See Strickland v. Washington, 466 U.S. 668 (1984).

⁶See Hargrove, 100 Nev. at 503, 686 P.2d at 225.

as the victim approached his vehicle with a tire iron. When the victim fell down to the ground, Caples exited his vehicle, walked back to the victim and shot him again. Caples shot all seven bullets in his gun, reloaded it, and then kicked the victim in the head. Caples failed to show that he would not have pleaded guilty but for defense counsel's deficient conduct.⁷

Having considered Caples' contentions and concluded that they lack merit, we

ORDER the judgment of the district court AFFIRMED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Lee A. Gates, District Judge
Christopher R. Oram
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁷See Kirksey v. State, 112 Nev. 980, 923 P.2d 1102 (1996).