

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD ALEX STEVENSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46795

FILED

SEP 12 2006

ORDER OF AFFIRMANCE

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

This is an appeal from an order of the district court denying appellant Ronald Alex Stevenson's post-conviction petition for a writ of habeas corpus. Third Judicial District Court, Churchill County; Charles M. McGee, Judge.

The district court convicted Stevenson, pursuant to a guilty plea, of three counts of use of a minor in producing pornography and one count of possession of visual pornography of a person under 16 years of age. The district court sentenced Stevenson to serve three consecutive prison terms of 60 to 155 months and one concurrent term of 12 to 36 months. We affirmed the judgment of conviction on direct appeal.¹

Stevenson filed a timely proper person post-conviction petition for a writ of habeas corpus. The district court appointed counsel, who filed a supplement to Stevenson's petition. The district court denied Stevenson's petition after determining that an evidentiary hearing was unnecessary. This appeal follows.

¹Stevenson v. State, Docket No. 43706 (Order of Affirmance, January 7, 2005).

Stevenson's sole contention on appeal is that his guilty plea is invalid. He specifically claims that the district court erred in finding that he was adequately informed of the consequences of lifetime supervision before he entered his plea. We disagree.

In Palmer v. State,² we determined that lifetime supervision is a direct consequence of a guilty plea. Consequently, the totality of the circumstances must demonstrate that a defendant was aware of the consequence of lifetime supervision prior to the entry of a guilty plea; otherwise, the petitioner must be allowed to withdraw the plea.³ The particular conditions of lifetime supervision are tailored to each individual case and, notably, are not determined until after a hearing is conducted just prior to the expiration of the sex offender's completion of a term of parole or probation, or release from custody.⁴ Thus, all that is constitutionally required is that the totality of the circumstances demonstrate that a petitioner was aware that he would be subject to the consequence of lifetime supervision before entry of the plea and not the precise conditions of lifetime supervision.⁵

²118 Nev. 823, 59 P.3d 1192 (2002).

³Id. at 831, 59 P.3d at 1197.

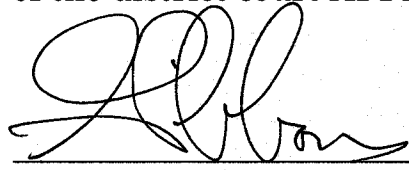
⁴See NRS 213.1243(1); NAC 213.290.


⁵Palmer, 118 Nev. at 831, 59 P.3d at 1197. We note that in Palmer this court recognized that under Nevada's statutory scheme, a defendant is provided with written notice and an explanation of the specific conditions of lifetime supervision that apply to him "[b]efore the expiration of a term of imprisonment, parole or probation." Id. at 827, 59 P.3d at 1194-95 (emphasis added).

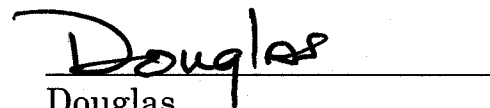
Here, Stevenson was aware that he would be subject to the consequence of lifetime supervision before he entered his plea. In the written plea agreement, Stevenson acknowledged that he voluntarily entered the plea, understood the consequences of the plea, and understood that he was "subject to lifetime supervision as required by NRS 176.0931." And, during the district court's oral plea canvass, Stevenson specifically acknowledged that he understood that he was subject to lifetime supervision. Accordingly, we conclude that Stevenson has not demonstrated that his guilty plea is invalid.

Having considered Stevenson's contention and concluded that it lacks merit, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Maupin


_____, J.
Douglas

cc: Chief Judge, Third Judicial District
Hon. Charles M. McGee, Senior Judge
Martin G. Crowley
Attorney General George Chanos/Carson City
Churchill County District Attorney
Churchill County Clerk