

IN THE SUPREME COURT OF THE STATE OF NEVADA

APRIL JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48688

FILED

APR 06 2007

ORDER OF AFFIRMANCE

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

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

On October 3, 2005, appellant April Jones was convicted, pursuant to a guilty plea, of one count of conspiracy to commit murder, seven counts of attempted murder with the use of a deadly weapon, one count of stop required on the signal of a police officer, and one count of possession of stolen property. The district court sentenced Jones to serve a prison term of 48 to 120 months for the conspiracy count, a prison term of 84 to 240 months, with an equal and consecutive term for the use of a deadly weapon, for each attempted murder count, a prison term of 28 to 72 months for the failure to stop count, and a prison term of 48 to 120 months for the stolen property count. The district court ordered the sentences on all counts to run concurrently. Jones did not file a direct appeal.

On February 24, 2006, Jones filed a proper person post-conviction for a writ of habeas corpus. The district court appointed counsel to represent Jones, and counsel filed a supplement to the petition. The State opposed the petition. Without conducting an evidentiary hearing, the district court denied the petition.

Jones contends that the district court erred in denying her petition without conducting an evidentiary hearing. Specifically, Jones contends that defense counsel was ineffective for (1) misinforming her that she had no right to appeal, and (2) failing to review the guilty plea agreement thereby "allowing the State to file a document that misinformed Ms. Jones of her rights." In a related argument, Jones argues that her guilty plea was unknowing, resulting in a manifest injustice, because she was misinformed that she was waiving her appellate rights.

The district court found that Jones' guilty plea was knowing, voluntary, and intelligent, and that defense counsel was not ineffective under the standard set forth in Strickland v. Washington.¹ The district court's factual findings regarding the validity of a guilty plea and claims of ineffective assistance of counsel are entitled to deference when reviewed on appeal.² Jones has not demonstrated that the district court's findings of fact are not supported by substantial evidence or are clearly wrong. Moreover, Jones has not demonstrated that the district court erred as a matter of law. We note that defense counsel correctly informed Jones that she was waiving her appellate rights under the plea bargain.³ The record

¹466 U.S. 668 (1984).

²See Bryant v. State, 102 Nev. 268, 721 P.2d 364 (1986); Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994).

³See Cruzado v. State, 110 Nev. 745, 747, 879 P.2d 1195, 1195 (1994) ("A knowing and voluntary waiver of the right to appeal made pursuant to a plea bargain is valid and enforceable."), overruled on other grounds by Lee v. State, 115 Nev. 207, 985 P.2d 164 (1999).

indicates that Jones was advised, in the written agreement to testify and at the oral canvass, that she was waiving all her appellate rights. To the extent that defense counsel was deficient for failing to correct the advisement in the written plea agreement with respect to Jones' appellate rights, Jones failed to show she was prejudiced by counsel's conduct.

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

ORDER the judgment of the district court AFFIRMED.

Parraguirre, J.
Parraguirre

Hardesty, J.
Hardesty

Douglas, J.
Douglas

cc: Hon. Lee A. Gates, District Judge
Christopher R. Oram
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk