

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS ALBERTO JARA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51343

FILED

NOV 21 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. V. [Signature]
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Jerome Polaha, Judge.

On August 9, 2006, the district court convicted appellant, pursuant to a guilty plea, of trafficking in a controlled substance. The district court sentenced appellant to serve a term of ten to twenty-five years in the Nevada State Prison. This court affirmed appellant's conviction on appeal.¹ The remittitur issued on February 2, 2007.

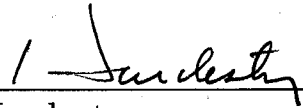
On November 28, 2007, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On March 3, 2008, the district court dismissed appellant's petition. This appeal followed.

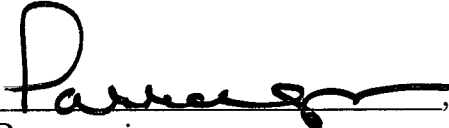
¹Jara v. State, Docket No. 48030 (Order of Affirmance, January 8, 2007).

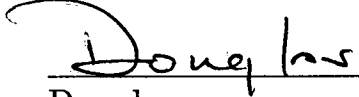
In his petition, appellant contended that the district court erred in not finding that appellant rendered substantial assistance and was entitled to leniency in sentencing; the district court's determination that appellant was not credible was incorrect and based on impalpable evidence; and appellant's sentence was excessive. As appellant's claims did not address the voluntariness of his plea or whether his plea was entered without the effective assistance of counsel, the claims fell outside the scope of claims permissible in a habeas corpus petition challenging a judgment of conviction based on a guilty plea.² Therefore, the district court did not err in dismissing these claims.

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.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

²NRS 34.810(1)(a).

³See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

cc: Hon. Jerome Polaha, District Judge
Luis Alberto Jara
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk