

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD FARRIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 34634

FILED

JUL 03 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying appellant's post-conviction petition for a writ of habeas corpus.

On January 27, 1998, the district court convicted appellant, pursuant to a guilty plea, of robbery with the use of a deadly weapon. The district court sentenced appellant to serve two consecutive terms of nine years in prison. Appellant did not pursue a direct appeal.

On June 2, 1998, appellant filed a proper person post-conviction petition for a writ of habeas corpus. 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 February 16, 1999, the district court denied appellant's petition. This appeal followed.

In his petition, appellant claimed that trial counsel provided ineffective assistance by promising appellant that he would receive two consecutive five-year prison terms, and that the State breached its promise that appellant would receive two consecutive five-year prison terms. Our review of the record reveals that appellant is not entitled to relief for three reasons.

First, the record belies appellant's allegations regarding the sentence promised by the State.¹ The guilty plea agreement provided that the State retained the right to argue, but would not recommend a particular sentence. The agreement further advised appellant that he faced the possibility of two consecutive prison terms of one to fifteen years. The negotiations and possible sentences were reiterated during the plea canvass. Moreover, during the plea canvass, appellant indicated that he had not been promised anything other than what was represented in the plea agreement. The record therefore belies appellant's claim that the State promised a particular sentence.

Second, the record demonstrates that the State complied with the plea negotiations at sentencing. Accordingly, the record belies appellant's claim that the State breached the plea agreement.

Finally, appellant's subjective reliance on trial counsel's advice regarding the potential sentence, "unsupported by any promise from the State or indication by the court, is insufficient to invalidate a guilty plea as involuntary or unknowing."² Here, neither the State nor the district court indicated that appellant would receive a particular sentence in exchange for his guilty plea. Accordingly, appellant's ineffective assistance claim lacks merit.

Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not

¹See Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984) (explaining that petitioner is not entitled to an evidentiary hearing or relief on post-conviction claim that is belied or repelled by the record).

²Rouse v. State, 91 Nev. 677, 679, 541 P.2d 643, 644 (1975).

entitled to relief and that briefing and oral argument are unwarranted.³ Accordingly, we

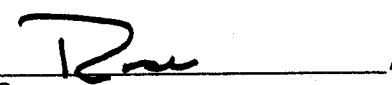
ORDER the judgment of the district court AFFIRMED.



Shearing J.



Agosti J.



Rose J.

cc: Hon. Jeffrey D. Sobel, District Judge
Attorney General
Clark County District Attorney
Ronald Farris
Clark County Clerk

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