

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN K. WILSON,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 34738

FILED

JUL 06 2001

[Signature]
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's motion to withdraw his plea of nolo contendere. On May 11, 1995, appellant was convicted of one count of first degree murder, pursuant to a plea of nolo contendere.¹ The district court sentenced appellant to a prison term of life without the possibility of parole.

Appellant filed a timely notice of appeal from his judgment of conviction, in which he challenged the validity of his plea. This court dismissed the appeal.²

Appellant thereafter filed a post-conviction petition for a writ of habeas corpus in proper person. In the petition, appellant argued that the plea canvass conducted by

¹Appellant pleaded guilty pursuant to North Carolina v. Alford, 400 U.S. 25 (1970). Under Nevada law, "whenever a defendant maintains his or her innocence but pleads guilty pursuant to Alford, the plea constitutes one of nolo contendere." State v. Gomes, 112 Nev. 1473, 1479, 930 P.2d 701, 705 (1996).

²Wilson v. State, Docket No. 27430 (Order Dismissing Appeal, January 25, 1996).

the district court was deficient. The district court denied the petition without appointing counsel or conducting an evidentiary hearing. On appeal, this court concluded that appellant's plea was knowing and voluntary, and dismissed the appeal.³

On July 7, 1999, appellant filed a motion to withdraw his plea, arguing that there was an insufficient factual basis to support his plea. This issue was raised by appellant in his post-conviction habeas petition, and considered by this court in the appeal from the denial of the petition. In the order dismissing that appeal, this court noted that appellant agreed to the use of the evidence adduced at the preliminary hearing as the factual basis for his plea. Moreover, the prosecutor made a statement at the entry of appellant's plea, outlining the evidence that the State intended to prove at trial. This court therefore concluded that appellant's plea was validly entered.⁴

The doctrine of the law of the case prevents relitigation of this issue.⁵ Further, appellant cannot avoid this doctrine "by a more detailed and precisely focused

³Wilson v. State, Docket No. 30229 (Order Dismissing Appeal, March 4, 1999).


⁴Id.

⁵See Hall v. State, 91 Nev. 314, 535 P.2d 797 (1975).

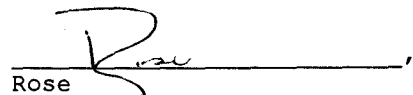
argument subsequently made after reflection upon the previous proceedings."⁶

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.⁷ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


Shearing J.


Agosti J.


Rose J.

cc: Hon. Kathy A. Hardcastle, District Judge
Attorney General
Clark County District Attorney
Brian K. Wilson
Clark County Clerk

⁶Id. at 316, 535 P.2d at 799.

⁷See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).