

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAMIRO GALICIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54337

FILED

NOV 08 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Younger
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying appellant Ramiro Galicia's post-conviction petition for a writ of habeas corpus. Ninth Judicial District Court, Douglas County; Michael P. Gibbons, Judge.

The district court convicted Galicia, pursuant to a guilty plea, of first-degree murder. He did not appeal, but filed a post-conviction petition for a writ of habeas corpus alleging various claims of ineffective assistance of counsel and that his guilty plea was invalid. The district court held an evidentiary hearing where Galicia abandoned his claims of ineffective assistance. The district court denied his petition, and Galicia filed the instant appeal.

Galicia claims that the district court erred in finding that his guilty plea was valid, contending that he did not understand the charges against him or the content of the plea agreement based upon his lack of education, inability to speak or write the English language, and the poor translation skills of the court-appointed interpreter. At the evidentiary

hearing, Galicia asserted those facts and further testified that he had a poor memory, rarely met with his attorney, and did not understand the proceedings at any stage. His trial attorney and interpreter countered that the three met more than a dozen times and that Galicia attended their meetings with a list of agenda items to discuss and asked follow-up questions if he did not understand something. The district court did not find Galicia's testimony credible. Galicia's assertions are further undermined because, during the plea canvass, he affirmatively acknowledged that he understood the guilty plea agreement as read to him and admitted to murdering the victim. Thus, under the totality of the circumstances here, we conclude that the district court did not clearly abuse its discretion in determining that Galicia's plea was knowingly, willingly, and intelligently made. See State v. Freese, 116 Nev. 1097, 1106, 13 P.3d 442, 448 (2000); Hubbard v. State, 110 Nev. 671, 675, 877 P.2d 519, 521 (1994).¹

¹Galicia also makes cursory arguments raising claims that he abandoned in the district court. We need not consider those, but nevertheless conclude they are without merit: (1) his appeal deprivation claim because it is without support in the record; and (2) his claim that trial counsel ineffectively assisted him in entering his plea because he fails to prove or allege prejudice such that there is a reasonable probability that, but for counsel's errors, Galicia would not have pleaded guilty and would have insisted on going to trial. See Hill v. Lockhart, 474 U.S. 52, 58-59 (1985); Kirksey v. State, 112 Nev. 980, 988, 923 P.2d 1102, 1107 (1996).

Accordingly, having considered Galicia's contentions and concluded that they are without merit, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Michael P. Gibbons, District Judge
State Public Defender/Carson City
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas Co. Clerk