

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAMION M. WILLIS, A/K/A DAMION  
WILLIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54608

**FILED**

**FEB 03 2010**

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of three counts of robbery and one count each of attempted robbery and conspiracy to commit robbery. Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

Appellant Damion M. Willis contends that the district court abused its discretion by certifying him to stand trial as an adult. This claim is improperly raised in this appeal because the juvenile court order certifying Willis as an adult was independently appealable, see NRS 62D.500(1); Castillo v. State, 106 Nev. 349, 351, 792 P.2d 1133, 1134 (1990), and Willis did not appeal from that order.


Willis also contends that his right to counsel was violated because the district court denied his motion to remand to juvenile court “without the benefit of counsel.” See U.S. Const. amend VI. The motion itself was authored by counsel and the record reveals that the district court orally denied the motion, without requesting any argument and while counsel was present. Further, the district court specifically granted

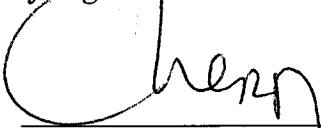
counsel's motion to withdraw after the motion to remand was denied. Thus, we conclude this contention lacks merit.<sup>1</sup>

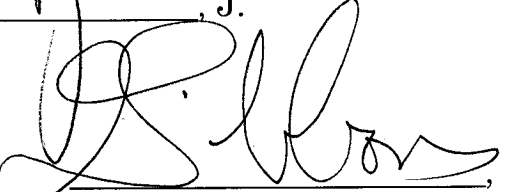
Finally, Willis contends that the State engaged in prosecutorial misconduct "by actively encouraging the court to make rulings against the Appellant without the benefit of counsel." As discussed above, the district court did not deprive Willis of his right to counsel. Further, we conclude that the State did not engage in any improper conduct. See Valdez v. State, 124 Nev. \_\_\_, \_\_\_, 196 P.3d 465, 477 (2008).

Having considered Willis' contentions and concluded that they are without merit, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. James M. Bixler, District Judge  
Kristina M. Wildeveld  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>Willis also implies that he was sentenced in violation of his right to counsel. This implication is clearly belied by the record. Counsel was present at sentencing, made argument in favor of probation and did not withdraw until nearly a month after sentencing.