

IN THE SUPREME COURT OF THE STATE OF NEVADA

LOUIS R. SMITH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 35034

**FILED**

JAN 11 2001

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Bloom*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

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

On November 28, 1994, the district court convicted appellant, pursuant to an Alford<sup>1</sup> plea, of two counts of lewdness with a minor under the age of fourteen and one count of using a minor in producing pornography. The district court sentenced appellant to serve in the Nevada State Prison two consecutive terms of ten years for the lewdness counts and a consecutive term of ninety-nine years for the pornography count. This court dismissed appellant's appeal, but modified appellant's sentence for the pornography count from a term of ninety-nine years to a term of life in the Nevada State Prison with the possibility of parole. *Smith v. State*, Docket No. 26727 (Order Dismissing Appeal and Modifying Sentence, May 27, 1999). On July 15, 1999, the district court entered an amended judgment of conviction as modified by this court.

On July 30, 1999, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. 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 September 16, 1999, the district court dismissed appellant's petition. This appeal followed.

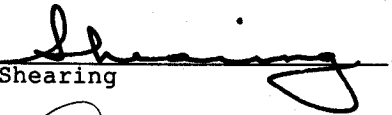
<sup>1</sup>North Carolina v. Alford, 400 U.S. 25 (1970).

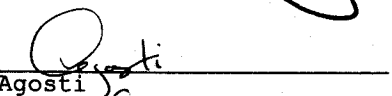
In his petition, appellant's claims were incomprehensible and consisted mainly of citations to the New King James Version of the Bible. Appellant contended that "the words of the Lord were not taken into consideration either by prosecuting or defending attorneys [sic]."


Our review of the record on appeal reveals that the district court did not err in dismissing appellant's petition. Appellant did not state a claim upon which relief could be granted. See NRS 34.810(1)(a); see generally NRS 34.780(1); NRCPC 12(b)(5).

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. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), cert. denied, 423 U.S. 1077 (1976). Accordingly, we affirm the order of the district court.

It is so ORDERED.<sup>2</sup>

  
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Shearing J.

  
\_\_\_\_\_  
Agosti J.

  
\_\_\_\_\_  
Leavitt J.

cc: Hon. Richard A. Wagner, District Judge  
Attorney General  
Pershing County District Attorney  
Louis R. Smith  
Pershing County Clerk

<sup>2</sup>We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.