

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILMA GIX,

Appellant,

vs.

WARDEN, WARM SPRINGS CORRECTIONAL
CENTER, ROBIN BATES,

Respondent.

No. 35215

FILED

DEC 20 2000

W. M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus and a motion to withdraw a guilty plea.

Appellant first contends that the district court erred in denying her motion to withdraw her guilty plea. We disagree. After reviewing the entire record, we conclude that appellant has not demonstrated a clear showing of an abuse of discretion in the district court's determination that the plea was valid. See State v. Gomes, 112 Nev. 1473, 1478, 930 P.2d 701, 705 (1996) (citing Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986)) ("On appeal from a district court's determination of a plea's validity, this court presumes that the lower court correctly assessed the validity and will not reverse absent a clear showing of an abuse of discretion.").

Although appellant denied that she acted willfully in the murder of Bushange Lee and the attempted murder of Derek Bennett, she nevertheless did indicate that she understood the elements of the charged offenses. Id. at 1481, 930 P.2d at 706 (citing Bryant, 102 Nev. at 270, 721 P.2d at 366) ("It is preferable for the district court to elicit from the defendant either a statement indicating that he or she understands the elements of the charged offense or an

admission that he or she committed the offense.") (emphasis added). It is apparent that, under the totality of the circumstances, appellant entered the plea "with actual understanding of the nature of the charges." Id.

By ascertaining from appellant that she was pleading guilty in order to receive a favorable plea agreement, the district court adequately inquired into and resolved the conflict between appellant's waiver of trial and her insistence that she did not act willfully. Id. (quoting Tiger v. State, 98 Nev. 555, 58, 654 P.2d 1031, 1033 (1982) (citing United States v. Alford, 400 U.S. 25, 38 n.10 (1970)) (stating that the district court "'must further inquire into and seek to resolve the conflict between the waiver of trial and the claim of innocence.'").

Therefore, the plea was valid and the district court did not clearly abuse its discretion in denying the motion to withdraw the plea.



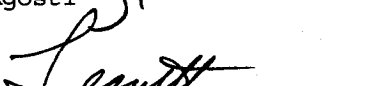
Appellant next contends that the district court erred in concluding that appellant did not receive ineffective assistance of counsel. Based on our review of the record, we conclude that trial counsel did not violate the "reasonably effective assistance" standard of Strickland v. Washington, 466 U.S. 688 (1984). See Kirksey v. State, 112 Nev. 980, 987, 923 P.2d 1102, 1107 (1996). Appellant has failed to show that her "counsel's representation fell below an objective standard of reasonableness." Strickland, 466 U.S. at 688. Accordingly, this contention lacks merit.

Finally, appellant argues that the district court erred in granting the State's motion in limine. Because appellant never sought to introduce the evidence precluded by the district court's ruling on the motion in limine, the issue is not reviewable by this court. See Staude v. State, 112

Nev. 1, 5, 908 P.2d 1373, 1376 (1996) (stating that "[a] ruling on a motion in limine is advisory, not conclusive; after denial of a pretrial motion to exclude evidence, a party must object at the time the evidence is sought to be introduced in order to preserve the objection for appellate review"). Appellant insists in her reply brief that she did attempt to introduce this evidence, but this contention is belied by the record. When the State objected to one of appellant's questions as falling within the court's ruling on the motion in limine, appellant informed the court that the question did not go to that issue and the objection was overruled.

Having considered all of appellant's arguments and concluded that they lack merit, we affirm the judgment of the district court.

It is so ORDERED.

 _____ Shearing	J.
 _____ Agosti	J.
 _____ Leavitt	J.

cc: Peter I. Breen, District Judge
Attorney General
Washoe County District Attorney
Ian E. Silverberg
Washoe County Clerk