

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIMOTHY WILLIAM CHESTER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58384

FILED

JUN 14 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary while in possession of a deadly weapon and two counts of first-degree murder with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge. Appellant Timothy William Chester raises two issues on appeal.

First, Chester argues that the district court erred by failing to allow him to withdraw his guilty plea based on his claim that he was illegally sentenced in relation to the deadly weapon enhancements. However, at a hearing on the motion, Chester conceded that he had been sentenced correctly. Thus, we conclude that the district court did not err in denying Chester's motion to withdraw his guilty plea because he abandoned the claim upon which the motion was premised.

Second, Chester argues that the district court abused its discretion by denying his motion to appoint alternative counsel without an evidentiary hearing. "A defendant is not entitled to reject his court-appointed counsel and request substitution of other counsel at public expense absent a showing of adequate cause for such a change." Junior v. State, 91 Nev. 439, 441, 537 P.2d 1204, 1206 (1975). Chester contends that counsel coerced him into pleading guilty and operated under a conflict

of interest by disparaging a defendant in another unrelated murder case. Chester's coercion claim is devoid of any allegation of wrongdoing on counsel's part as it relates to his case and is therefore nothing but a bare allegation undeserving of an evidentiary hearing. See Hargrove v. State, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984) (holding that "bare" or "naked" claims are insufficient to grant relief); see also Daly v. State, 99 Nev. 564, 567, 665 P.2d 798, 801 (1983) (holding that "[t]he decision to admit or exclude evidence . . . rests within the sound discretion of the trial court, and will not be disturbed unless it is manifestly wrong"). As to Chester's conflict-of-interest allegation, he fails to establish how counsel's purported comments about a defendant in an unrelated criminal case constituted a conflict of interest requiring substitution of counsel or an evidentiary hearing on the matter. See Hargrove, 100 Nev. at 502-03, 686 P.2d at 225.

Having considered Chester's contentions and concluded that they lack merit, we

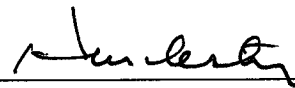
ORDER the judgment of conviction AFFIRMED.



_____, J.
Saitta



_____, J.
Pickering



_____, J.
Hardesty

cc: Chief Judge, The Eighth Judicial District Court
Eighth Judicial District Court Dept. 14
Christopher R. Oram
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk