

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES STEPHEN MANLEY, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59294

FILED

JAN 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Ingerson*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to have the public defender's office withdraw from representation, and a motion to vacate judgment and modify sentence.¹ Eighth Judicial District Court, Clark County; Doug Smith, Judge.

In his motion filed on July 12, 2011, appellant claimed that the district court erred in failing to conduct competency proceedings and failed to make a determination whether it was just and proper to adjudicate appellant a habitual criminal. Appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment.² See Edwards v.


¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).


²As a separate and independent ground to deny relief, we further note that appellant failed to demonstrate that the district court erred in not conducting competency proceedings based upon information contained in the presentence investigation report. NRS 178.405; see also Dusky v. United States, 362 U.S. 402, 402 (1960); Melchor-Gloria v. State, 99 Nev. 174, 180, 660 P.2d 109, 113 (1983).

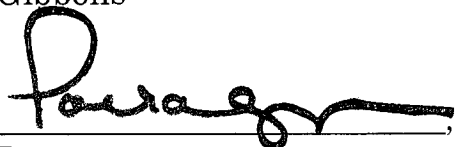
State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, the district court did not err in denying the motion.

Appellant further requested that the Clark County Public Defender's Office withdraw from representation. The district court denied this request without explanation. We conclude that the district court did not err in denying this request because it was moot — the district court previously granted the Clark County Public Defender's oral motion to withdraw on January 12, 2009. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Doug Smith, District Judge
Charles Stephen Manley, Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk