

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC TODD DOUGLAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62689

FILED

NOV 14 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of three counts of burglary. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.


Appellant Eric Todd Douglas contends that the district court abused its discretion by denying his presentence motion to withdraw his guilty plea. Douglas represented himself in this case, however, he claims that his counsel in district court case no. C254320, Cynthia Dustin, "undertook to negotiate ALL of his cases" and was ineffective for failing to obtain and present to the State, in a timely manner, his medical records, which he sought to use "as a basis for a medical release [from custody] pending sentence." Douglas argues that as a result of Dustin's deficient performance, the State withdrew a more favorable plea offer than the one he ultimately accepted after new counsel, Patricia Erickson, was appointed to represent him. Douglas asserts that this court must remand


the matter to the district court so he can withdraw his guilty plea and enter a new plea consistent with the more favorable terms of the State's previous offer. We disagree.

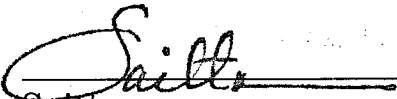
As we noted above, Douglas waived his right to counsel and represented himself in this case, therefore, Douglas cannot raise ineffective-assistance claims pertaining to Dustin's performance in his other case in the instant appeal, and the district court should have denied his motion on this basis alone. *See generally McConnell v. State*, 125 Nev. 243, 252, 212 P.3d 307, 314 (2009); *see also Faretta v. California*, 422 U.S. 806, 835 (1975). Nevertheless, the district court considered the merits of Douglas' claim and found that Dustin was not ineffective. *See Strickland v. Washington*, 466 U.S. 668, 687-88 (1984); *see also Missouri v. Frye*, 566 U.S. ___, ___, 132 S. Ct. 1399, 1405-06 (2012); *Lafler v. Cooper*, 566 U.S. ___, ___, 132 S. Ct. 1376, 1384 (2012). Further, our review of the record reveals that Douglas failed to provide a substantial, fair, and just reason which required the withdrawal of his guilty plea. *Crawford v. State*, 117 Nev. 718, 721, 30 P.3d 1123, 1125 (2001); *see NRS 176.165*. We conclude that the district court did not abuse its discretion by denying Douglas' motion. *See Johnson v. State*, 123 Nev. 139, 144, 159 P.3d 1096, 1098 (2007); *Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) ("If a judgment or order of a trial court reaches the right result, although it is

based on an incorrect ground, the judgment or order will be affirmed on appeal.”). Accordingly, we

ORDER the judgment of conviction AFFIRMED.¹


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Jessie Elizabeth Walsh, District Judge
Law Office of Patricia M. Erickson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹The fast track statement, response, and reply do not comply with NRAP 3C(h)(1) and NRAP 32(a)(4) because the text in the body of the briefs is not double-spaced. Counsel for the parties are cautioned that the failure to comply with the briefing requirements in the future may result in the imposition of sanctions. See NRAP 3C(n).