

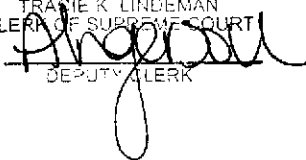
IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES TRIPPIEDI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62855

FILED

DEC 12 2013

TRASIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

In his petition filed on December 10, 2012, appellant appeared to claim that he did not enter his plea knowingly or voluntarily because he “felt” that his sentences in two separate cases would be run concurrently. A guilty plea is presumptively valid, and a petitioner carries the burden of establishing that the plea was not entered knowingly and intelligently. *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986); see also *Hubbard v. State*, 110 Nev. 671, 675, 877 P.2d 519, 521 (1994). Further, this court will not reverse a district court’s determination concerning the validity of a plea absent a clear abuse of discretion. *Hubbard*, 110 Nev. at 675, 877 P.2d at 521. In determining the validity of a guilty plea, this court looks to the totality of the circumstances. *State v. Freese*, 116 Nev.

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).

1097, 1105, 13 P.3d 442, 448 (2000); *Bryant*, 102 Nev. at 271, 721 P.2d at 367.

Appellant was informed in both of his plea agreements that he was stipulating to specific sentences and that the parties were free to argue whether the sentences between the two cases would be run concurrently or consecutively. Further, at the change of plea hearing, the district court again informed appellant that the parties were free to argue whether the sentences would be run concurrently or consecutively and inquired of appellant whether he understood that. Appellant indicated that he did and also answered in the affirmative when asked if he had read through and understood the plea agreement. Appellant's mere subjective belief as to a potential sentence, unsupported by any promise from the court or the State, is not sufficient to invalidate his guilty plea as involuntary and unknowing. *Rouse v. State*, 91 Nev. 677, 679, 541 P.2d 643, 644 (1975). Therefore, the district court did not err in denying this claim, and we

ORDER the judgment of the district court AFFIRMED.

Pickering, C.J.
Pickering

Hardesty, J.
Hardesty

Cherry, J.
Cherry

cc: Hon. Elissa F. Cadish, District Judge
James Trippiedi
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk