

IN THE SUPREME COURT OF THE STATE OF NEVADA

PERRION PIPER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 35806

FILED

JAN 23 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

On September 23, 1999, the district court convicted appellant, pursuant to a guilty plea, of conspiracy to commit burglary (Count I), conspiracy to commit larceny (Count II), and possession of stolen property (Count III). The district court sentenced appellant to serve the following terms: for Count I, one year in the Clark County Detention Center; for Count II, one year in the Clark County Detention Center to run consecutively to Count I; and for Count III, six months in the Clark County Detention Center to run concurrently to Count II. Appellant did not file a direct appeal.

On December 2, 1999, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On March 23, 2000, the district court denied appellant's petition. This appeal followed.

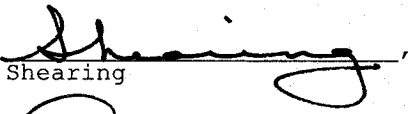
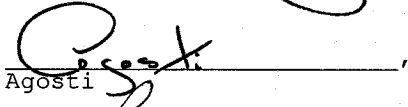
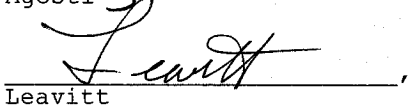
In his petition, appellant contended that his sentence should be modified. He claims that his sentence is excessive, he works on an outside workcrew at the Clark County Detention Center, and the evidence shows that he did not commit the crimes.

Our review of the record on appeal reveals that the district court did not err in denying appellant's petition. Appellant's claims fell outside the scope of claims cognizable in

a post-conviction petition for a writ of habeas corpus when the conviction is based upon a guilty plea. See NRS 34.810(1)(a) (providing that the court shall dismiss a petition if the conviction is based upon a plea of guilty and the petition is not based upon an allegation that the plea was involuntarily or unknowingly entered or that the plea was entered without the effective assistance of counsel).

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), cert. denied, 423 U.S. 1077 (1976). Accordingly, we affirm the order of the district court.

It is so ORDERED.¹


Shearing J.

Agosti J.

Leavitt J.

cc: Hon. Donald M. Mosley, District Judge
Attorney General
Clark County District Attorney
Perrion Piper
Clark County Clerk

¹We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.