IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC T. WILLIAMS, Appellant, vs. THE STATE OF NEVADA, Respondent. No. 36753

FILED

APR 12 2001 JANETTE M. BLOOM CLERK DESUPREME CONIRT BY CHIEF DEPUTYCLERK

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 July 29, 1999, the district court convicted appellant, pursuant to a guilty plea, of one count of child abuse and neglect.¹ The district court sentenced appellant to serve a term of 60 to 150 months in the Nevada State Prison and ordered him to pay restitution of \$14,479.88. Appellant did not appeal.

On May 10, 2000, appellant filed a proper person postconviction 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 August 26, 2000, the district court denied appellant's petition. This appeal followed.

¹Appellant's three-month-old son, Justin, was presented at Sunrise Hospital with a total of seven fractured ribs, a fractured arm, a fractured femur, and a fractured skull, all in various stages of healing. Justin also suffered from bleeding into his brain and spinal fluid. Appellant was initially charged with four felony counts of child abuse and neglect causing substantial bodily harm. In his petition, appellant contended that he received ineffective assistance of counsel, which he claimed rendered his plea unknowing and involuntary. Our review of the record on appeal reveals that the district court did not err in denying appellant's petition.

Specifically, appellant claimed that he was promised a two-year minimum sentence or probation and contends that the State breached the plea agreement by arguing for a four-year minimum. The guilty plea memorandum belies appellant's claim; no specific sentence was promised and the State retained the right to argue at sentencing.²

Appellant also claimed his counsel failed to prepare adequately for trial and he was therefore forced to plead guilty. Again, his claims are belied by the record.³ The plea canvass and guilty plea memorandum reflect that appellant discussed his case, his possible defenses and his options with his counsel, that he felt the plea was in his best interests, and that he was not acting under duress or threats. Moreover, appellant admitted the facts of the offense.

Finally, appellant claimed that the prosecutor should have removed himself from the case based on an alleged conflict of interest because the prosecutor was involved in a child abuse support group. This claim has no merit.

Appellant failed to allege sufficient facts to suggest that his counsel's performance was deficient or that appellant suffered prejudice as a result of counsel's actions.⁴ The district court did not err.

 $\frac{^{2}See}{^{3}Id}$ Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).

⁴See Hill v. Lockhart, 474 U.S. 52 (1985); Warden v. Lyons, 100 Nev. 430, 683 P.2d 504 (1984).

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.⁵ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

J. Youn J.

J.

Becke Becker

cc: Hon. Joseph T. Bonaventure, District Judge Attorney General Clark County District Attorney Eric T. Williams Clark County Clerk

⁵See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), <u>cert</u>. <u>denied</u>, 423 U.S. 1077 (1976).

IN THE SUPREME COURT OF THE	E STATE OF NEVADA
ANDREW L. MEEKS,	No. 36652
Appellant,	And the second sec
vs.	
THE STATE OF NEVADA,	NOV 07 2000
Respondent.	Richard
LAMARR ROWELL,	No. 36658
Appellant,	
vs.	
THE STATE OF NEVADA,	
Respondent.	
LAMARR ROWELL,	No. 36693
Appellant,	
vs.	
THE STATE OF NEVADA,	
Respondent.	
ERIC T. WILLIAMS,	No. 36753
Appellant,	
vs.	
THE STATE OF NEVADA,	
Respondent.	
ERNEST A. PELLEGRINO A/K/A ERNIE PELLEGRINO,	No. 36782
Appellant,	
vs.	
THE STATE OF NEVADA,	
Respondent.	
REX LEWIS ARTHUR,	No. 36797
Appellant,	
vs.	
THE STATE OF NEVADA,	
Respondent.	
]

EDWARD MICHAEL PARKER, Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

ROBERT SCOTT HARAMI,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

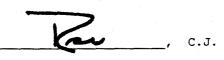
No. 36825

No. 36864

ORDER RE: RECORDS ON APPEAL

Having reviewed the documents on file in these proper person appeals, this court has concluded that its review of the complete records is warranted. See NRAP 10(a)(1). Accordingly, within one hundred and twenty (120) days from the date of this order, the clerk of the district court shall transmit to the clerk of this court a certified copy of the complete trial court record in each of the above-identified appeals. See NRAP 11(a)(2) (each complete record shall contain every paper, pleading and other document filed, or submitted for filing, in the district court, as well as any previously prepared transcripts of the district court proceedings).¹

It is so ORDERED.



cc: Attorney General Clark County District Attorney Andrew L. Meeks Lamarr Rowell Eric T. Williams Ernest A. Pellegrino Rex Lewis Arthur Edward Michael Parker Robert Scott Harami Clark County Clerk

¹The records shall not include any exhibits filed in the district court.