

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 OF SUPREME COURT  
BY *J. Richard*  
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 July 29, 1999, the district court convicted appellant, pursuant to a guilty plea, of one count of child abuse and neglect.<sup>1</sup> 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 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 August 26, 2000, the district court denied appellant's petition. This appeal followed.

<sup>1</sup>Appellant'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.<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup> The district court did not err.

---

<sup>2</sup>See *Hargrove v. State*, 100 Nev. 498, 686 P.2d 222 (1984).

<sup>3</sup>*Id.*

<sup>4</sup>See *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.<sup>5</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Young J.  
Young  
Leavitt J.  
Leavitt  
Becker J.  
Becker

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

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

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW L. MEEKS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 36652

FILED

NOV 07 2000

*J. Richards*

LAMARR ROWELL,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 36658

LAMARR ROWELL,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 36693

ERIC T. WILLIAMS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 36753

ERNEST A. PELLEGRINO A/K/A ERNIE  
PELLEGRINO,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 36782

REX LEWIS ARTHUR,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 36797

EDWARD MICHAEL PARKER,

No. 36825

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

ROBERT SCOTT HARAMI,

No. 36864

Appellant,

vs.


THE STATE OF NEVADA,

Respondent.

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).<sup>1</sup>

It is so ORDERED.

 \_\_\_\_\_, C.J.

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

<sup>1</sup>The records shall not include any exhibits filed in the district court.