

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREGORY MARTIN,

No. 36814

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

NOV 28 2000

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a plea of no contest, of one count of uttering a forged instrument in violation of NRS 205.090 and NRS 205.110. The district court sentenced appellant to serve a prison term of 12-36 months; the sentence was suspended and appellant received probation for three years with special conditions. Appellant was ordered to perform 80 hours of community service and pay restitution in the amount of \$365.00.

First, appellant contends the district court erred at the arraignment by erroneously advising appellant in regard to his appellate rights. Appellant argues that the inaccurate information provided by the district court misled appellant thus requiring the withdrawal of his plea and reversal of his conviction. While we agree that the district court erred, we do not agree that appellant is entitled to relief.

Our review of the arraignment transcript reveals that the district court advised appellant that his appellate rights included the right to challenge the validity of his plea, and ineffective assistance of counsel. Appellant contends that the district court misled appellant and "failed to advise him that there exists a plethora of other potential claims which can be raised on direct appeal from a judgment of conviction entered

pursuant to a guilty plea." Appellant, however, fails to cite to any relevant authority to support the proposition that the district court has a duty to fully advise appellant in regard to his appellate rights. Moreover, appellant has not demonstrated any harm suffered as a result of the district court's statement. We therefore conclude that the district court's statement constituted harmless error and that appellant is not entitled to any relief. See NRS 178.598.

Second, appellant contends the district court abused its discretion by denying appellant's motion for appointment of conflict counsel. Appellant argues that his desire to withdraw his plea before sentencing resulted in a dispute with counsel thus requiring the appointment of new counsel. We disagree.¹

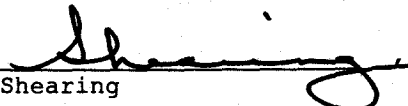
This court has stated that "[t]he decision whether friction between counsel and client justifies appointment of new counsel is entrusted to the sound discretion of the trial court, and should not be disturbed on appeal in the absence of a clear showing of abuse." *Thomas v. State*, 94 Nev. 605, 607-08, 584 P.2d 674, 676 (1978) (citations omitted). Moreover, "[a] defendant is not entitled to reject his court-appointed counsel and request substitution of other counsel at public expense absent a showing of adequate cause for such a change." *Id.* at 607, 584 P.2d at 676 (quoting *Junior v. State*, 91 Nev. 439, 441, 537 P.2d 1204, 1206 (1975)). In this case, appellant failed to demonstrate sufficient cause for the appointment of new counsel. We therefore conclude that the district court did not abuse its discretion by denying appellant's motion for the

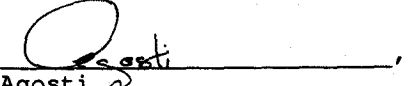
¹Appellant's challenge to the validity of his no contest plea must first be raised in the district court pursuant to NRS 34.360 or NRS 176.165. See *Bryant v. State*, 102 Nev. 268, 721 P.2d 364 (1986).

appointment of new counsel, and that appellant's contention is without merit.

Having considered appellant's contentions and concluded that they are without merit, we affirm the judgment of conviction.

It is so ORDERED.


Shearing J.


Agosti J.


Leavitt J.

cc: Hon. Michael R. Griffin, District Judge
Attorney General
Carson City District Attorney
State Public Defender
Carson City Clerk