

IN THE SUPREME COURT OF THE STATE OF NEVADA

JULIO SMITH PARRA,

No. 37020

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

NOV 16 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of two counts of burglary while in possession of a firearm, two counts of robbery with the use of a deadly weapon, and one count of aiming a firearm at a human being. The district court sentenced appellant: for each count of burglary, to a prison term of 35 to 156 months; for the first count of robbery, to a prison term of 36 to 155 months, with an equal and consecutive term for the use of a deadly weapon; for the second count of robbery, to a prison term of 62 to 156 months, with an equal and consecutive term for the use of a deadly weapon; and for aiming a firearm at a human being, to a jail term of 12 months. The district court ordered all sentences except the deadly weapon enhancements to run concurrently.

Appellant contends that the district court erred by admitting appellant's confession. Specifically, appellant argues that he was under the influence of methamphetamine at the time he made his confession and that he therefore did not validly waive his Miranda rights.¹ "The question of the admissibility of a confession is primarily a factual question addressed to the district court: where that determination is supported by substantial evidence, it should not be disturbed on appeal."² Moreover, in

¹See Miranda v. Arizona, 384 U.S. 436 (1966).

²Chambers v. State, 113 Nev. 974, 981, 944 P.2d 805, 809 (1997).

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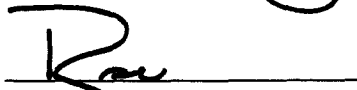
determining whether a confession is voluntary, the court looks at the totality of the circumstances.³


In the instant case, the district court found that appellant was repeatedly informed of his Miranda rights, that he understood those rights, and that appellant was not forced or coerced into making a statement. Additionally, we note that the mere fact that appellant may have been using methamphetamine is not sufficient to render the waiver of his Miranda rights invalid.⁴

We conclude that the district court's determination that appellant's confession was voluntary and admissible is supported by substantial evidence. Appellant's contention is therefore without merit, and we

ORDER the judgment of conviction AFFIRMED.⁵


Shearing J.


Rose J.


Becker J.

cc: Hon. Lee A. Gates, District Judge
Attorney General/Carson City
Clark County District Attorney
Jose C. Pallares
Clark County Clerk

³Id.

⁴See e.g., Tucker v. State, 92 Nev. 486, 488, 553 P.2d 951, 952 (1976).

⁵We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.