

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRICK POMMERROY HOUSTON, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81483-COA

FILED

AUG 19 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Brick Pommeroy Houston, Jr., appeals from a judgment of conviction, pursuant to a guilty plea, of burglary. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

Houston argues the district court denied his right to due process by failing to address his pro se motion to dismiss counsel and to adhere to the district court's prior ruling regarding Houston's presentence custody status. In his motion, which was filed after he entered his guilty plea, Houston claimed he was entitled to a certain custody status in accordance with the terms of the plea agreement. Houston also claimed counsel should be dismissed for failing to raise this issue.

Counsel acknowledged the pro se motion at the sentencing hearing and advised the court they were nevertheless ready to proceed. Houston, who was present via videoconference, was given the opportunity to speak but did not object. Because Houston withdrew his motion and opted to proceed at sentencing with challenged counsel, we conclude the

district court did not deny Houston the right to due process. Accordingly,
we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Michael Villani, District Judge
The Gersten Law Firm PLLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk