

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD L. PRICE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38096

FILED

MAY 30 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
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 March 31, 2000, the district court convicted appellant, pursuant to a guilty plea, of robbery. The district court sentenced appellant to serve a maximum term of one hundred fifty-six months and a minimum term of thirty-five months in the Nevada State Prison. This sentence was ordered to run consecutive to a sentence in another district court case. Appellant did not file a direct appeal.

On March 30, 2001, 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 July 6, 2001, the district court denied appellant's petition. This appeal followed.

In his petition, appellant contended that his judgment of conviction must be amended to state that his sentence runs concurrently with, rather than consecutive to, his sentence in another district court case. This claim falls outside the scope of claims that can be raised in a post-conviction petition for a writ of habeas corpus when the judgment of conviction is based upon a guilty plea. Thus, it was not improper for the district court to deny appellant's petition.¹

Next, appellant contended that his counsel never advised him of his right to appeal his sentence. There is no constitutional requirement that counsel must always inform the defendant who pleads guilty of the right to pursue a direct appeal unless the defendant inquires about an appeal or there exists a direct appeal claim that has a reasonable likelihood of success.² Moreover, appellant was informed of his limited right to appeal in the guilty plea memorandum that he signed.³ Therefore, we conclude that it was not improper for the district court to deny appellant's petition.

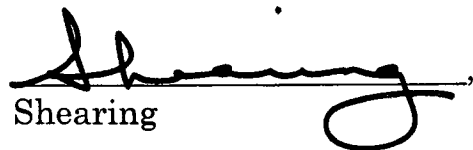
¹See NRS 34.810(1)(a) (providing that the court shall dismiss a petition if the court determines that the petitioner's conviction was upon a plea of guilty and the petition is not based upon an allegation that the plea was involuntarily or unknowingly entered or that the plea was entered without effective assistance of counsel).

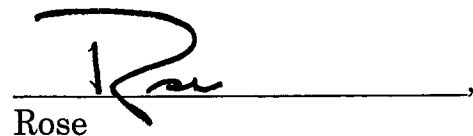
²See Thomas v. State, 115 Nev. 148, 150, 979 P.2d 222, 223 (1999); see also Roe v. Flores-Ortega, 528 U.S. 470, 479-80 (2000).

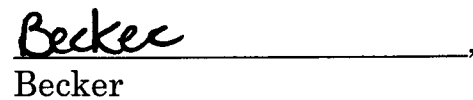
³See Davis v. State, 115 Nev. 17, 19, 974 P.2d 658, 659 (1999).

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.⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Michael A. Cherry, District Judge
Attorney General/Carson City
Clark County District Attorney
Ronald L. Price
Clark County Clerk

⁴See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).