IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK EDWARD BOEKHOFF,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38915

FILED

APR 09 2003

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

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

On May 1, 1998, the district court convicted appellant, pursuant to a guilty plea, of two counts of sexual assault. The district court sentenced appellant to serve two consecutive prison terms of life with the possibility of parole after twenty years. This court dismissed appellant's direct appeal.[1]

On October 19, 2000, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. The district court appointed counsel to represent appellant, and counsel supplemented appellant's petition. After conducting an evidentiary hearing, the district court denied appellant's petition. This appeal followed.

[1]Boekhoff v. State, Docket No. 32391 (Order Dismissing Appeal, February 16, 2000).

03-05949

Appellant claims that the district court erred in rejecting his claims that: (1) his guilty plea was involuntary because the district court failed to properly canvass him and ask whether he had been coerced into making the plea, (2) his guilty plea was unknowing because he had not been informed that the department of parole and probation would recommend in its presentence investigation report a greater sentence than was recommended by the State pursuant to the plea agreement, and (3) the State breached the "spirit" of the plea agreement at sentencing by quoting "inflammatory language" from the presentence investigation report, and stating that the recommendation for concurrent sentences was being made pursuant to plea negotiations.

We conclude that these claims lack merit. The validity of appellant's guilty plea was addressed on direct appeal. This court concluded that the district court had properly canvassed appellant to determine if the plea was knowingly and voluntarily entered.[2] The doctrine of the law of the case prevents further relitigation of this issue and cannot be avoided by a more detailed and precisely focused argument.[3] Moreover, our review of the record indicates that there was no

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[2]See Hubbard v. State, 110 Nev. 671, 675, 877 P.2d 519, 521 (1994) (stating that a guilty plea will be considered properly accepted if the trial court canvassed the defendant to determine whether the defendant voluntarily, knowingly and intelligently entered the plea); see Mitchell v. State, 109 Nev. 137, 140-41, 848 P.2d 1060, 1061-62 (1993) (stating that the entire record must be taken into consideration in determining whether a plea was valid).

[3]Hall v. State, 91 Nev. 314, 535 P.2d 797 (1975).

breach of the plea agreement. Thus, appellant is not entitled to relief on these claims.

Having considered appellant's contentions and concluded that they lack merit, we

ORDER the judgment of the district court AFFIRMED.

Shearing, J.
Shearing

Leavitt, J.
Leavitt

Becker, J.
Becker

cc: Hon. Steven P. Elliott, District Judge
Scott W. Edwards
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk