

IN THE SUPREME COURT OF THE STATE OF NEVADA

PHILLIP JOSEPH RAIMONDI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39170

FILED

APR 10 2002

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

ORDER OF AFFIRMANCE

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

On November 17, 1998, Raimondi was convicted, pursuant to a guilty plea, of robbery with the use of a firearm. The district court sentenced Raimondi to serve two consecutive prison terms of 48 to 120 months. Raimondi did not file a direct appeal. On November 12, 1999, Raimondi filed a proper person post-conviction petition for a writ of habeas corpus. The State opposed the petition. The district court appointed counsel, and Raimondi filed a supplemental petition. After conducting an evidentiary hearing, the district court denied the petition. Raimondi filed the instant appeal.

Raimondi contends that his guilty plea was invalid because he was not competent to plead guilty. In particular, Raimondi contends that the district court erred in finding that he was competent because Raimondi was incapable of assisting counsel due to his paranoid delusional disorder and significant underlying mood disorder. We conclude that Raimondi's contention lacks merit.

Whether a criminal defendant may plead guilty entails a two-part inquiry: (1) whether he is competent to enter a plea; and (2) whether the guilty plea is knowing and voluntary.¹ A defendant is competent to enter a plea if he has: (1) "sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding"; and (2) "a rational as well as factual understanding of the proceedings against him."² A district court's competency determination will be sustained on appeal where substantial evidence exists to support it.³

We conclude that there was substantial evidence to support the district court's determination that Raimondi was competent to plead guilty. The record of Raimondi's plea canvass reveals that he had a rational and factual understanding of the proceedings and was able to appropriately respond to the district court's questions. For example, in response to the district court's inquiry about the minimum and maximum sentence, Raimondi responded "2 to 15 years." Likewise, at Raimondi's sentencing hearing, Raimondi exercised his right to allocution, stating "I regret that it happened. I'm glad its over."

The coherent nature of Raimondi's statements on the record belies his claim that he was incompetent. In fact, at the post-conviction evidentiary hearing, Raimondi's trial counsel Roberto Puentes testified that Raimondi was "[o]ne of the most intelligent clients [he] ever had. Very nice man, very articulate, very intelligent." Puentes testified that Raimondi had even written out a history of his arrests with brief

¹Godinez v. Moran, 509 U.S. 389, 400-01 (1993).

²Id. at 396-97 (quoting Dusky v. United States, 362 U.S. 402, 402 (1960)).

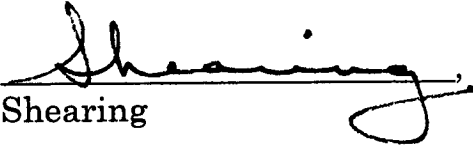
³Ogden v. State, 96 Nev. 697, 698, 615 P.2d 251, 252 (1980).

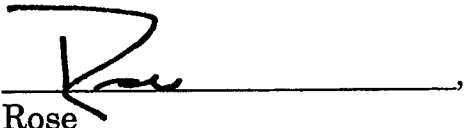
summaries of the disposition of the cases, the defenses asserted, and “how he was able to get a lesser offense.” Puentes described Raimondi as a man who knew how the “system work[ed],” and who was “tickled at the plea bargain [he] got.”⁴

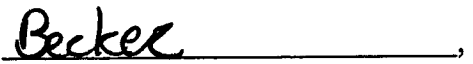
Although Raimondi notes that Dr. Howle concluded that his inability to control his emotions rendered him unable to assist counsel, Dr. Howle’s opinion was contradicted by Dr. Robert E. Hiller’s. Dr. Hiller testified that Raimondi understood the nature of the criminal charges against him and “had the ability to talk to an attorney reasonably about circumstances surrounding his--the accusations made against him and form a defense.”

Accordingly, we conclude that the district court did not err in denying Raimondi’s petition because its finding that he was competent to plead guilty was supported by substantial evidence. We therefore

ORDER the judgment of the district court AFFIRMED.


_____, J.
Shearing


_____, J.
Rose


_____, J.
Becker

⁴The amended information filed in February 1998 charged Raimondi with two counts of robbery with the use of a firearm and five counts of false imprisonment with a deadly weapon. Ultimately, Raimondi pleaded guilty to a single count of robbery with the use of a firearm.

cc: Hon. Brent T. Adams, District Judge
Nathalie Huynh
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk