

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL S. PEASE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39722

FILED

MAR 03 2003

ORDER OF AFFIRMANCE

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

This is a proper person appeal from a district court order denying appellant Michael S. Pease's post-conviction petition for a writ of habeas corpus.

On May 9, 2001, Pease was convicted, pursuant to a guilty plea, of one count of robbery. The district court sentenced Pease to serve a prison term of 36 to 156 months. Pease did not file a direct appeal.

On February 28, 2002, Pease 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 NRS 34.770, the district court declined to appoint counsel or to conduct an evidentiary hearing. On May 14, 2002, the district court denied Pease's petition. Pease filed the instant appeal.

In the petition, Pease argued that he was not competent to plead guilty because he was taking the anti-psychotic medication Haldol. In particular, Pease claimed that, because he was on medication, he did

not understand the terms of the plea agreement. The district court did not err in rejecting Pease's claim.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

Here, there was substantial evidence to support the district court's determination that Pease was competent to plead guilty. The transcript of Pease'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 nature of the offense committed, Pease responded, "I robbed a man for his wallet and chain," and further explained that the crime did not involve the use of weapons, only physical force. Pease also advised the district court that: (1) his guilty plea was

¹In a related argument, Pease claimed that the district court should have ordered Pease to undergo a medical examination to ensure his guilty plea was the product of "his own free will." We conclude that the district court did not err in rejecting Pease's claim because the record reveals he was competent beyond a reasonable doubt. See Bishop v. Warden, 94 Nev. 410, 411, 581 P.2d 4, 5 (1978) (holding that the district court need not appoint a physician to examine a defendant where there is no reasonable doubt as to the defendant's competency).

²Godinez v. Moran, 509 U.S. 389, 396 (1993) (quoting Dusky v. United States, 362 U.S. 402, 402 (1960)).

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

entered freely and voluntarily, (2) he understood the negotiations, and (3) he had read and signed the plea agreement. The coherent nature of Pease's statements on the record belies his claim that he was incompetent to plead guilty or was unaware of the terms of the negotiations. Accordingly, the district court did not err in finding that Pease's claim that he was not competent to plead guilty was belied by the record.⁴

In the petition, Pease also contended that he entered his guilty plea involuntarily due to coercion from his trial counsel. In particular, Pease claimed that his trial counsel coerced him into pleading guilty by informing him that his co-defendant could not enter a plea agreement unless Pease also accepted one. We conclude that the district court did not err in rejecting Pease's claim.

A guilty plea is presumptively valid, and a petitioner carries the burden of establishing that the plea was not entered knowingly and intelligently.⁵ Further, this court will not reverse a district court's determination concerning the validity of a plea absent a clear abuse of discretion.⁶ Here, the district court's finding that Pease's guilty plea was not coerced, but instead was knowing and voluntary, is supported by the record. In particular, at the plea canvass, Pease indicated that he was pleading guilty freely and voluntarily and because he believed it was in his best interest. Finally, we note that Pease received a substantial benefit in exchange for his guilty plea, namely, the State agreed to drop several

⁴See Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).

⁵Bryant v. State, 102 Nev. 268, 721 P.2d 364 (1986); see also Hubbard v. State, 110 Nev. 671, 877 P.2d 519 (1994).


⁶See Hubbard, 110 Nev. at 675, 877 P. 2d at 521.


criminal counts⁷ filed against Pease and argue for a prison term of not more than 13 years. Accordingly, the district court did not err in rejecting Pease's claim that his guilty plea was the product of coercion.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that Pease is not entitled to relief and that briefing and oral argument are not warranted.⁸ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁹


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

cc: Hon. Donald M. Mosley, District Judge
Michael S. Pease
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁷The counts filed in the amended information included: conspiracy to commit robbery, battery with intent to commit a crime, robbery, first-degree kidnapping, and grand larceny auto.

⁸See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁹We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.