

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC CHILDRESS A/K/A ERIC CRAIG
CHILDRESS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 40617

FILED

JUN 14 2004

ORDER OF AFFIRMANCE

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

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 June 7, 2002, the district court convicted appellant, pursuant to a guilty plea, of robbery. The district court sentenced appellant to serve a term of 24 to 60 months in the Nevada State Prison.¹ No direct appeal was taken.

On August 23, 2002, 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 NRS 34.770, the district court declined to appoint counsel to represent appellant or to

¹On June 11, 2002, an amended judgment of conviction was entered which provided that the sentence in the instant case was to run concurrently to the sentence in another case, C180597, and granted appellant's proper person motion for clarification of sentence and motion to dismiss counsel. On July 23, 2002, a second amended judgment of conviction was entered which modified appellant's sentence from 14 to 60 months in the Nevada State Prison to 24 to 60 months in the Nevada State Prison.

conduct an evidentiary hearing. On December 2, 2002, the district court denied appellant's petition. This appeal followed.

In his petition, appellant first claimed that his counsel rendered ineffective assistance by failing to challenge an alleged defect in the information. By entering a guilty plea, appellant waived all errors, including deprivation of constitutional rights, which occurred prior to entry of the plea.² Thus, the district court did not err in denying this claim.

Next, appellant claimed that the prosecution committed misconduct by suborning perjury and conspiring to conceal facts. Appellant essentially complains that the prosecution and the police filed factually unsupported charges against appellant, falsely accusing him of using force and a box cutter to retain or escape with stolen property. Appellant also asserts that the prosecution conspired to prevent appellant from confronting and cross-examining his accusers. Appellant's claim is belied by the record. The record demonstrates that, pursuant to plea negotiations, appellant waived his right to a preliminary hearing and a trial. Further, the written plea agreement and the transcript of the plea canvass establish that appellant knowingly and voluntarily admitted the facts supporting the elements of robbery³ and that he waived his right to confront and cross-examine any witnesses against him. The district court did not err in denying this claim.


²Webb v. State, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975).

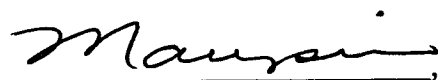
³During the plea canvass, for example, the district court specifically asked appellant, "You were using force to get away, right?" Appellant responded: "That's correct your Honor."

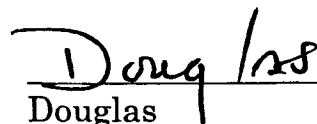
Finally, appellant claimed that his counsel coerced him into entering his guilty plea, and that he did not understand the crime to which he was pleading guilty. Appellant's claim is belied by the record.⁴ At the plea canvass, appellant affirmed that his plea was knowingly and voluntarily made, admitted to the specific facts of the crime, and indicated that he understood the rights he was giving up and the penalties he faced. Additionally, appellant indicated he was pleading guilty to avoid a harsher penalty. Thus, the district court did not err in denying this claim.

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.⁵ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁶


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

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

⁵See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁶We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Lee A. Gates, District Judge
Eric Childress
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk