

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRETT JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41510

FILED

MAR 18 2004

ORDER OF AFFIRMANCE

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

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

On January 24, 2003, the district court convicted Jones, pursuant to a guilty plea, of one count of first-degree murder (victim 65 years of age or older) and one count of robbery (victim 65 years of age or older).¹ The district court sentenced Jones to serve two terms of life in the Nevada State Prison without the possibility of parole for the murder conviction, and two terms of 40 to 180 months for the robbery conviction. All sentences were imposed to run consecutively. No direct appeal was taken.

On February 26, 2003, Jones filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The

¹Jones entered a guilty plea to avoid the possibility of the death penalty after a jury returned guilty verdicts on both charges. Jones signed a written guilty plea agreement, which stipulated that he would receive a sentence of two consecutive terms of life without the possibility of parole for the murder conviction. Further, the district court personally canvassed Jones concerning his change of plea.

State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent Jones or to conduct an evidentiary hearing. On May 13, 2003, the district court denied Jones' petition. This appeal followed.

In his petition, Jones contended that: (1) there was insufficient evidence adduced at trial to convict him of either charge, (2) several biased jurors were not excused during voir dire, (3) the jury instruction regarding felony-murder was vague, (4) jury instructions decreased the State's burden of proof, (5) inadmissible evidence was introduced at trial, (6) the prosecutor committed various instances of misconduct, (7) an excessive number of prejudicial pictures of the victim were admitted at trial, (8) he lacked the mens rea to commit murder, (9) his due process rights were violated because the jury did not specify if he was convicted of felony-murder or first-degree murder, (10) his trial counsel was ineffective for failing to present his version of events, and (11) his trial counsel was ineffective for failing to present psychological evidence at trial.

Jones' conviction was the result of a guilty plea; his petition must challenge the validity of his guilty plea or allege that his guilty plea was entered without the effective assistance of counsel.² All of Jones' claims involve errors that allegedly occurred during a trial. But no trial was conducted. By entering a guilty plea, he waived all errors, including deprivation of constitutional rights, which occurred prior to entry of the plea.³ Consequently, Jones' claims are outside the scope of a post-


²See NRS 34.810(1)(a).


³Webb v. State, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975).

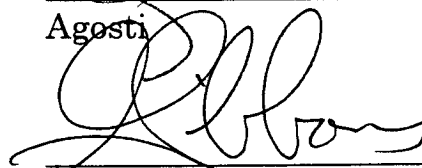
conviction petition for a writ of habeas corpus, and the district court did not err in denying these claims.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that Jones is not entitled to relief and that briefing and oral argument are unwarranted.⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁵


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. Valorie Vega, District Judge
Brett Jones
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

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

⁵We have reviewed all documents that Jones 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 Jones has attempted to present claims or facts in those submissions that were not previously presented in the proceedings below, we have declined to consider them in the first instance.