

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC ZESSMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42099

FILED

JUN 04 2004

JANETTE M. GUDIN
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

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

On June 11, 2003, the district court convicted Zessman, pursuant to a guilty plea, of robbery and conspiracy to commit robbery.¹ The district court sentenced Zessman to serve one term of 24 to 75 months in the Nevada State Prison for robbery and a concurrent term of 12 to 30 months for conspiracy to commit robbery. This court affirmed the district

¹We note that an identical judgment of conviction was entered on June 20, 2003. On August 5, 2003, the district court entered an amended judgment of conviction which stated that Zessman entered an Alford plea to the count of robbery and a guilty plea to the count of conspiracy to commit robbery. See North Carolina v. Alford, 400 U.S. 25 (1970). On September 9, 2003, the district court entered a second amended judgment of conviction which stated that Zessman entered a plea of nolo contendere to the count of robbery and a guilty plea to the count of conspiracy to commit robbery.

court's judgment of conviction, and the remittitur issued on October 21, 2003.²

On July 24, 2003, Zessman 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, the district court declined to appoint counsel to represent Zessman. The district court conducted a hearing at which Zessman was present. On January 27, 2003, the district court denied Zessman's petition. This appeal followed.

In his petition, Zessman claimed that: (1) the Las Vegas Metropolitan Police Department conducted an illegal search and seizure of his property; (2) the search warrant was invalid in that it did not comply with the requirements of NRS 179.045, the State Constitution, and the federal Constitution; and (3) the Las Vegas Metropolitan Police Department breached the "chain of custody" when it executed a search warrant and seized property in Nye County without the assistance of Nye County peace officers. We have previously held that "[w]here the defendant has pleaded guilty, the only claims that may be raised thereafter are those involving the voluntariness of the plea itself and the effectiveness of counsel."³ The claims raised by Zessman fall outside this limited scope. As such, we conclude that the district court did not err in denying Zessman's petition.


²Zessman v. State, Docket No. 41490 (Order of Affirmance, September 24, 2003).


³Kirksey v. State, 112 Nev. 980, 999, 923 P.2d 1102, 1114 (1996); see also NRS 34.810(1)(a).

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

ORDER the judgment of the district court AFFIRMED.

 _____, C.J.
Shearing

 _____, J.
Rose

 _____, J.
Douglas

cc: Hon. Jackie Glass, District Judge
Eric Zessman
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

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