

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMUEL LESLIE STELLINGWERF
A/K/A SAMUEL LESLIE
STELLINWERF A/K/A SAMUEL
LESLIE STELLINGWEST,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45902

FILED

APR 05 2006

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of burglary with a firearm. Second Judicial District Court, Washoe County; Deborah A. Agosti, Judge.

Appellant Samuel Stellingwerf was sentenced to a prison term of 48-120 months. Stellingwerf's sole issue on appeal is that his guilty plea was invalid because the plea memorandum is deficient. Stellingwerf contends the plea agreement does not conform with NRS 174.063, in that the certificate of competency is missing.

NRS 174.063 requires a plea agreement to be substantially in the form listed in the statute. Stellingwerf's plea agreement is substantially similar to the form of NRS 174.063. The district court is not required to utter "talismanic phrases," but is instead given wide latitude in fulfilling the requirements for a valid plea hearing.¹ Additionally, this

¹Bryant v. State, 102 Nev. 268, 271, 721 P.2d 364, 367 (1986).

court has previously determined that the complete absence of a plea memo does not require reversal when the record reveals a proper plea.²

To the extent that Stellingwerf may contend that his plea was not knowing, voluntary or intelligently made, this claim is not appropriate on direct appeal.³ Therefore we,

ORDER the judgment of conviction AFFIRMED.

Douglas, J.
Douglas

Becker, J.
Becker

Parraguirre, J.
Parraguirre

cc: Honorable Deborah A. Agosti, Senior Justice
Michael V. Roth
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

²Ochoa-Lopez v. State, 116 Nev. 448, 451, 997 P.2d 136, 138 (2000).

³Bryant, 102 Nev. at 272, 721 P.2d at 367-68.