

SUPREME COURT OF NEVADA

Christian Stephon Miles v. State

2021 NV 78 (Nev. 2021) · No. 79554 · Decided December 23, 2021

SUMMARY

The Nevada Supreme Court reversed a criminal conviction because the trial court's Faretta canvass did not adequately establish that Christian Stephon Miles knowingly and voluntarily waived his right to counsel. The court held that when a defendant's responses reveal a lack of understanding regarding the charges or potential aggregate sentences, the trial court must address that misunderstanding and explain the risks of self-representation. The court also disapproved of the trial court's disparaging comments about Miles's decision to proceed pro se and remanded the case for further proceedings.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Stiglich, J.; Hardesty, J.; Parraguirre, J.; Cadish, J.; Silver, J.; Pickering, J.; Herndon, J.
JURISDICTION	Nevada
DECIDED	December 23, 2021
DOCKET	79554
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Miles appealed a judgment of conviction entered after a jury verdict. The Nevada Court of Appeals affirmed, and the Nevada Supreme Court granted Miles's subsequent petition for review under NRAP 40B.
STANDARD OF REVIEW	The court ordinarily gives deference to the district court's decision allowing a defendant to waive counsel, but it reviewed whether the record established a knowing, intelligent, and voluntary waiver. An invalid waiver of the right to counsel is structural or per se reversible and is not subject to harmless-error analysis.
PRECEDENTIAL VALUE	Published, precedential en banc opinion of the Supreme Court of Nevada
PARTIES	Christian Stephon Miles v. The State of Nevada

TOPICS

right to counsel

criminal procedure

appellate procedure

standard of review

sixth amendment

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether Miles knowingly, intelligently, and voluntarily waived his constitutional right to counsel after the trial court's Faretta canvass failed to address his apparent misunderstanding of the aggregate potential sentence and the charges.
2. Whether a trial court conducting a Faretta canvass must respond when the defendant's answers affirmatively demonstrate a lack of understanding of the charges or the risks and disadvantages of self-representation.
3. Whether a trial court may disparage a defendant's decision to waive counsel and proceed pro se.

HOLDINGS

1. A criminal defendant's waiver of the right to counsel must be knowing, intelligent, and voluntary, with a full understanding of the risks and disadvantages of self-representation. Where the defendant does not generally understand the aggregate potential sentence posed by the charges collectively, the record does not establish that the defendant comprehended the risks of waiving counsel.
2. Although no particular questions or mechanical script are constitutionally required during a Faretta canvass, when the defendant's responses affirmatively indicate a lack of understanding of the charges or potential sentences, the trial court should address that misunderstanding and ensure that the defendant decides whether to proceed pro se with eyes open.
3. A conviction obtained after an invalid waiver of the right to counsel is per se invalid and is not subject to harmless-error analysis.
4. A trial court should not disparage a defendant's choice to exercise the constitutional right to waive counsel and proceed pro se; the canvass must be conducted courteously and with the restraint, dignity, decorum, and impartiality required of judicial proceedings.

KEY QUOTATIONS

“A sentence of 5 years to life and a sentence of 12 years to life are simply not the same sentence.” (at 8)

“But a Faretta canvass is also not a list of questions to be asked without consideration of the answers. A canvass is a conversation.” (at 9-10)

“While no specific questions are constitutionally required, a trial court that learns during the canvass that the defendant may not understand the charges or the potential sentences should address that lack of understanding.” (at 12)

FACTUAL BACKGROUND

Miles was charged with four serious offenses arising from his contact with a sixteen-year-old victim, whom he allegedly enticed into prostitution, helped flee home, assisted in removing an ankle bracelet, and advertised on Craigslist. Dissatisfied with appointed counsel, Miles sought to represent himself. During the Faretta canvass, he demonstrated some understanding of trial procedure but could not adequately explain the elements of sex trafficking and was told only generally that he faced five years to life, without an explanation of the aggregate mandatory minimum sentence or the possibility that sentences could run consecutively. The trial court also disparaged self-representation, then allowed Miles to proceed pro se; he was convicted and received consecutive sentences totaling 163 months to life.

PROCEDURAL HISTORY

Miles was convicted in the Eighth Judicial District Court of sex trafficking of a child under eighteen, first-degree kidnapping, living from the earnings of a prostitute, and child abuse, neglect, or endangerment. He represented himself at trial after the district court granted his request to waive counsel following a Faretta canvass. The court imposed consecutive sentences totaling 163 months to life. The Nevada Court of Appeals affirmed, but the Nevada Supreme Court reversed and remanded because the canvass did not establish a knowing and voluntary waiver of counsel.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must conduct further proceedings consistent with the opinion, including a proper Faretta canvass that addresses Miles's apparent lack of understanding of the potential aggregate sentence and the elements or disadvantages relevant to the charged offenses.

CASES CITED

- Faretta v. California, 422 U.S. 806 (1975)
- McCoy v. Louisiana, 584 U.S. 138, 1507 (2018)
- McKaskle v. Wiggins, 465 U.S. 168, 178 (1984)
- Adams v. United States, 317 U.S. 269, 279 (1942)
- Vanisi v. State, 117 Nev. 330, 337-38, 22 P.3d 1164, 1170 (2001)
- Hooks v. State, 124 Nev. 48, 54-58 & n.23, 176 P.3d 1081, 1085-87 & n.23 (2008)
- Iowa v. Tovar, 541 U.S. 77, 88 (2004)
- Graves v. State, 112 Nev. 118, 124-25, 912 P.2d 234, 237-38 (1996)
- Wayne v. State, 100 Nev. 582, 585, 691 P.2d 414, 416 (1984)
- United States v. Ziegler, 1 F.4th 219, 226 (4th Cir. 2021)
- United States v. Garey, 540 F.3d 1253, 1265-66 (11th Cir. 2008)
- People v. Bush, 213 Cal. Rptr. 3d 593, 605-07, 609 (Ct. App. 2017)
- Johnson v. Zerbst, 304 U.S. 458, 464 (1938)

- United States v. Erskine, 355 F.3d 1161, 1167 (9th Cir. 2004)
- Arrendondo v. Neven, 763 F.3d 1122, 1131 (9th Cir. 2014)
- Arajakis v. State, 108 Nev. 976, 980, 843 P.2d 800, 802 (1992)
- United States v. Allen, 431 F.2d 712, 713 (9th Cir. 1970)
- Holderer v. Aetna Casualty & Surety Co., 114 Nev. 845, 850, 963 P.2d 459, 463 (1998)
- Parodi v. Washoe Medical Center, Inc., 111 Nev. 365, 367, 892 P.2d 588, 589 (1995)
- In re Disciplinary Proceeding Against Eller, 236 P.3d 873, 878-79 (Wash. 2010)
- Pitmon v. State, 131 Nev. 123, 352 P.3d 655 (Ct. App. 2015)
- Miles v. State, No. 79554-COA, 2021 WL 398992 (Nev. Ct. App. Jan. 29, 2021)

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