

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

LOUIS HENDERSON BROOKS,

Petitioner-Appellant.

v.

No. 97-6143

EUGENE NUTH; ATTORNEY
GENERAL OF THE STATE OF
MARYLAND,

Respondents-Appellees.

Appeal from the United States District Court
for the District of Maryland, at Greenbelt.
Deborah K. Chasanow, District Judge.
(CA-94-3381-DKC)

Argued: April 9, 1998

Decided: May 29, 1998

Before NIEMEYER, WILLIAMS, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

ARGUED: Steven Frederick Reich, Assistant Federal Public Defender, Greenbelt, Maryland, for Appellant. Rachel Marblestone Kamins, Assistant Attorney General, Criminal Appeals Division, OFFICE OF THE ATTORNEY GENERAL, Baltimore, Maryland, for Appellees. **ON BRIEF:** James K. Bredar, Federal Public Defender, Greenbelt, Maryland, for Appellant. J. Joseph Curran, Jr.,

Unpublished opinions are not binding precedent in this circuit. See
Local Rule 36(c).

OPINION

PER CURIAM:

Louis H. Brooks appeals the district court's order denying him relief on his petition filed under 28 U.S.C. § 2254. We granted a certificate of appealability and ordered the filing of formal briefs and argument.

Brooks contends on appeal that in accepting his guilty plea, the state trial court misadvised Brooks as to the intent element of attempted first-degree murder under Maryland law. Brooks argues that when he presented himself to the court to enter an Alford plea, the court, in accepting his plea, advised Brooks that if he went to trial, he could be convicted upon proof that he had committed an attempted felony murder. This was a misstatement of Maryland law. Accordingly, Brooks contends that his guilty plea was unknowing and involuntary because the misadvice undermined his ability to make a voluntary and intelligent choice among the options available to him.

We have carefully reviewed the record and the district court's opinion, which adopted the recommendation of the magistrate judge, and we have considered fully the arguments of counsel. Our review persuades us that the district court did not err. The district court concluded that Brooks received real notice of the true nature of the charges against him and an accurate description of the critical elements of attempted first-degree murder under Maryland law and that the one passing misstatement by the trial court after Brooks had already decided to plead guilty did not render his plea involuntary nor

deny him the intelligent choice from among the alternative courses of action open to him. The court also found that Brooks' trial counsel, in providing advice, was not ineffective under Strickland v. Washington, 466 U.S. 668 (1984). For the reasons given by the district court, Brooks v. Nuth, Civil Action No. DKC 94-3381 (D. Md. Dec. 26, 1996), we affirm.

AFFIRMED