

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM RICHARD DUCLOS A/K/A  
THOMAS DUCLOS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 50296

**FILED**

FEB 08 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order dismissing appellant's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

On April 26, 2006, appellant William Richard Duclos was convicted, pursuant to a guilty plea, of one count of attempted robbery. The district court sentenced Duclos to serve a prison term of 22 to 96 months. Duclos filed a direct appeal, and this court affirmed the judgment of conviction.<sup>1</sup>

On August 28, 2006, Duclos filed a proper person post-conviction petition for a writ of habeas corpus. The district court appointed counsel to represent Duclos, and counsel filed a supplement to the petition. The State filed a motion to dismiss the petition. Without conducting an evidentiary hearing, the district court dismissed the petition. Duclos filed this timely appeal.

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<sup>1</sup>Duclos v. State, Docket No. 47284 (Order of Affirmance, August 14, 2006).

08-03174

Duclos contends that the district court erred in rejecting his claims of ineffective assistance of counsel without conducting an evidentiary hearing. Specifically, Duclos argues that defense counsel was ineffective for: (1) failing to order a competency evaluation; (2) inducing the plea bargain by promising Duclos a lesser, unrealistic sentence; (3) failing to file a presentence motion to withdraw the guilty plea; and (4) failing to correct errors in the presentence investigation report at the sentencing hearing. Moreover, Duclos contends that the district court erred in finding that his guilty plea was knowing, voluntary, and intelligent. In particular, Duclos contends that he was not competent to plead guilty because he was under the influence of psychotropic medications.

The district court found that Duclos was not entitled to an evidentiary hearing because his claims of ineffective assistance of counsel and claims regarding the validity of his guilty plea were belied by the record. Duclos has failed to demonstrate that the district court erred in rejecting his claims.<sup>2</sup> The record indicates that Duclos signed a written plea agreement and was canvassed by the district court. We note that Duclos received a substantial benefit under the plea bargain in that the State dismissed one count of robbery with the use of a deadly weapon, agreed to affirmatively recommend a sentence of 12 to 36 months, and agreed not to pursue any transactionally-related charges.

With respect to the potential sentence, the district court advised Duclos, during the plea canvass, that the maximum possible


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<sup>2</sup>See Strickland v. Washington, 466 U.S. 668 (1984); Riker v. State, 111 Nev. 1316, 1322, 905 P.2d 706, 710 (1995); Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).

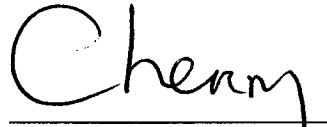
penalty that the court could impose was 10 years in prison. And even if Duclos believed he was going to receive a lesser sentence, this court has recognized that the "mere subjective belief of a defendant as to potential sentence, or hope of leniency, unsupported by any promise from the State or indication by the court, is insufficient to invalidate a guilty plea as involuntary or unknowing."<sup>3</sup> Finally, we note that the transcript of the sentencing hearing indicates that Duclos advised the sentencing court of the errors in the presentence investigation report, and Duclos has failed to show that he was prejudiced by counsel's allegedly deficient performance at the sentencing hearing. Accordingly, the district court did not err in dismissing the petition.

Having considered Duclos' contentions and concluded that they lack merit, we

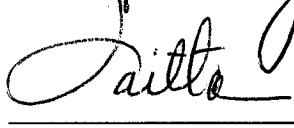
ORDER the judgment of the district court AFFIRMED.

 J.

Maupin

 J.

Cherry

 J.

Saitta

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<sup>3</sup>State v. Langarica, 107 Nev. 932, 934, 822 P.2d 1110, 1112 (1991) (quoting Rouse v. State, 91 Nev. 677, 679, 541 P.2d 643, 644 (1975)).

cc: Hon. Brent T. Adams, District Judge  
Mary Lou Wilson  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk