

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIANNE KENNETH BARBEE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53219

**FILED**

**MAR 11 2010**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from an order of the district court denying the July 25, 2006 post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

Appellant argues that the district court erred in denying his claim that his guilty plea was involuntarily entered because of an alleged beating by jail officials prior to entry of the plea without an evidentiary hearing. The State concedes that an evidentiary hearing is warranted on this claim. Because the claim is supported by specific factual allegations that are not belied by documents in the record, and which if true may entitle appellant to relief, we reverse the decision to deny this claim without an evidentiary hearing. Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984). Appellant provides no argument regarding the remaining claims raised in the proper person petition, and thus, we decline to consider those claims as they are abandoned.<sup>1</sup> Accordingly, we

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<sup>1</sup>In his petition, appellant claimed that his trial counsel was ineffective for inducing the guilty plea by a promise of a lower sentence, the victim possessed the character trait of untrustworthiness and used

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ORDER the judgment of the district court REVERSED AND  
REMAND this matter to the district court for proceedings consistent with  
this order.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. Steven P. Elliott, District Judge  
Scott W. Edwards  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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*... continued*

illegal substances, the victim made misrepresentations regarding prior  
sexual partners, and appellant received unfair treatment based on his  
race.