

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRANDON BUNKER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57684

FILED

JUN 08 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY Hargrove  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

In his petition, filed November 3, 2010, appellant claimed that trial counsel provided ineffective assistance because counsel advised appellant to accept the negotiated guilty plea without conducting any investigation or otherwise testing the veracity of the claims and because counsel did not inform him of his right to withdraw his guilty plea. Appellant failed to support these claims with specific facts that, if true, would have entitled him to relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984) (holding that "bare" or "naked" claims are insufficient to grant relief). Specifically, appellant did not state what a more thorough investigation would have revealed, Molina v. State, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004), or what defenses could have been

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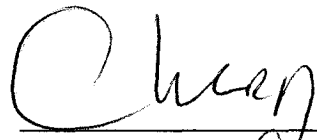
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).


raised. Further, appellant did not have a right to withdraw his guilty plea and did not claim that he asked counsel to file such a motion.

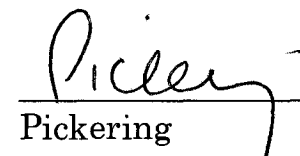
Next, appellant claimed that trial counsel provided ineffective assistance because counsel failed to inform him of his right to appeal. Although appellant had a right to appeal, he did not claim that he requested an appeal nor did he demonstrate the existence of any potentially valid direct appeal claims. Thomas v. State, 115 Nev. 148, 150, 979 P.2d 222, 223 (1999); see also Roe v. Flores-Ortega, 528 U.S. 470, 479-80 (2000). Moreover, we note that appellant signed the guilty plea agreement, which informed him of his limited rights of appeal. We therefore conclude that the district court did not err in denying these claims.

Appellant also claimed that his due process rights were violated because the district court sentenced him as a habitual criminal based solely on appellant's stipulation to that status. Appellant's claim was outside the scope of those permissible in a post-conviction petition for writ of habeas corpus challenging a judgment of conviction based on a guilty plea. See NRS 34.810(1)(a). We therefore conclude that the district court did not err in denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Linda Marie Bell, District Judge  
Brandon Bunker  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk