

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARCUS HUNTT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64250

FILED

MAR 11 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Malone*
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.¹ Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

In his July 10, 2013, petition, appellant claimed that he received ineffective assistance of trial counsel. To prove ineffective assistance of counsel, a petitioner must demonstrate that counsel's performance was deficient in that it fell below an objective standard of reasonableness, and resulting prejudice such that there is a reasonable probability that, but for counsel's errors, the outcome of the proceedings would have been different. *Strickland v. Washington*, 466 U.S. 668, 687-88 (1984); *Warden v. Lyons*, 100 Nev. 430, 432-33, 683 P.2d 504, 505 (1984) (adopting the test in *Strickland*). To demonstrate prejudice

¹This 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).

To the extent that appellant appeals from the denial of his motion for appointment of counsel, he did not establish that the district court abused its discretion in denying the motion. *See NRS 34.750(1)*.

regarding the decision to enter a guilty plea, a petitioner must demonstrate a reasonable probability that, but for counsel's errors, petitioner would not have pleaded guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 58-59 (1985); *Kirksey v. State*, 112 Nev. 980, 988, 923 P.2d 1102, 1107 (1996). Both components of the inquiry must be shown. *Strickland*, 466 U.S. at 697.

Appellant claimed that his trial counsel was ineffective for coercing him into entering a guilty plea. On direct appeal, this court rejected appellant's argument that his guilty plea was involuntary because he was coerced by trial counsel into entering the plea. *Hunt v. State*, Docket No. 60805 (Order of Affirmance, January 16, 2013). Because this court already concluded that counsel did not coerce him, appellant failed to demonstrate that counsel's performance was deficient or that he was prejudiced. Therefore, we conclude that the district court did not err in denying this claim.

Appellant also claimed that his plea was involuntary because he was sentenced beyond the scope of his guilty plea agreement. This claim is belied by the record, which reveals that his sentences were within the ranges outlined in the plea agreement. See *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). Therefore, we conclude that the district court did not err in denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. James M. Bixler, District Judge
Marcus Huntt
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk