

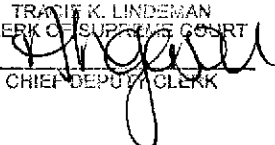
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

REESE ROBERT WALDRON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67049

FILED

AUG 25 2015

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

ORDER OF AFFIRMANCE

This is an appeal from an order denying a post-conviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

In his petition filed on September 4, 2014, appellant Reese Waldron claimed he received ineffective assistance of counsel because he was promised probation with a sentence of two to five years suspended on count 1 of the information. Waldron failed to demonstrate counsel was deficient because he failed to demonstrate that he was promised probation. *See Hill v. Lockhart*, 474 U.S. 52, 58-59 (1985); *Kirksey v. State*, 112 Nev. 980, 987-88, 923 P.2d 1102, 1107 (1996). The guilty plea agreement informed Waldron of the minimum and maximum sentences and that he was not promised or guaranteed any particular sentence. At the change of plea hearing, he acknowledged he read and understood the plea agreement and had discussed it with counsel. He also admitted he

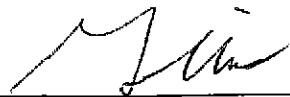
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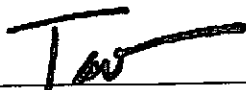
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

agreed to plead guilty in exchange for the State agreeing not to seek the habitual criminal enhancement and not to make recommendations at sentencing. Therefore, he acknowledged he was not promised a particular sentence. The district court also canvassed him regarding the minimum and maximum sentences, and explained to him sentencing was up to the district court. Therefore, the district court did not err in denying this claim.

Next, Waldron claimed there was misinformation in the presentence investigation report, he was being subject to double or triple jeopardy, and there was a violation of the interstate agreement on detainers. These claims fell outside the scope of a post-conviction petition for a writ of habeas corpus challenging a judgment of conviction based upon a guilty plea. *See* NRS 34.810(1)(a). Therefore, the district court did not err in denying these claims. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Kenneth C. Cory, District Judge  
Reese Robert Waldron  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk