

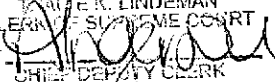
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRIAN EDWARDS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68257

FILED

DEC 18 2015

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

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

In his petition filed on March 18, 2015, appellant Brian Edwards claimed defense counsel was ineffective and requested an evidentiary hearing. In a separate pleading, Edwards also requested postconviction counsel.

We review the district court's resolution of ineffective-assistance claims de novo, giving deference to the court's factual findings if they are supported by substantial evidence and not clearly wrong. *Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005). To state a meritorious claim of ineffective assistance of counsel sufficient to

¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).


invalidate a judgment of conviction based on a guilty plea, a petitioner must allege specific facts that show (1) counsel's performance was deficient in that it fell below an objective standard of reasonableness and (2) a reasonable probability, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 58-59 (1985); *Strickland v. Washington*, 466 U.S. 668, 687 (1984); *Kirksey v. State*, 112 Nev. 980, 988, 923 P.2d 1102, 1107 (1996).


Here, the district court considered the pleadings, transcripts, and documents on file and made the following findings: Edwards' claims did not address the voluntariness of his plea or defense counsel's advice regarding the entry of his plea. Instead, he claimed the Nevada Revised Statutes are unconstitutional and suggests defense counsel was ineffective for failing to discover the laws on which the Nevada criminal justice system is based are unconstitutional. And his claims were not cognizable in a postconviction petition for a writ of habeas corpus.

Our review of the record reveals the district court's findings are supported by substantial evidence and are not clearly wrong. We conclude Edwards' claims were procedurally barred and the court did not err by denying his request for counsel or his petition without an evidentiary hearing. See NRS 34.750(1); NRS 34.770(2); NRS 34.810(1)(a) (limiting the scope of claims that may properly be raised in a postconviction habeas petition when the underlying conviction was based on a guilty plea); *Nika v. State*, 124 Nev. 1272, 1300-01, 198 P.3d 839, 858 (2008) (explaining that a petitioner is only entitled to an evidentiary hearing if he has asserted specific factual allegations that are not belied or

repelled by the record and, if true, would entitle him to relief).
Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Stefany Miley, District Judge
Brian Edwards
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk