

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GEORGE GUTIERREZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70516

FILED

JAN 19 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *Amica*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Appellant George Gutierrez appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on December 16, 2015.¹ Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

Gutierrez' informal brief is largely unintelligible. He appears to raise the following claims:

First, Gutierrez claims the district court lacked subject matter jurisdiction over his arraignment due to deficiencies in the Nevada Revised Statutes. Gutierrez asserts the Nevada Revised Statutes lack enacting clauses, contain technical flaws, and have been found to be vague and unconstitutional. Even assuming subject matter jurisdiction can be raised for the first time on appeal, we conclude Gutierrez' claim does not implicate the subject matter jurisdiction of the district court and therefore

¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

lacks merit.² See Nev. Const. art. 6, § 6; NRS 171.010; *United States v. Cotton*, 535 U.S. 625, 630 (2002) (“[T]he term jurisdiction means . . . the court’s statutory or constitutional *power* to adjudicate the case.” (internal quotation marks omitted)).

Second, Gutierrez claims the district court erred by denying his habeas petition because his guilty plea was coerced by defense counsel, county jail guards, and inmates. The district court found Gutierrez was not forced into his guilty plea because he failed to set forth any specific facts showing he was forced, he signed a guilty plea agreement acknowledging he was entering his plea voluntarily and was not acting under duress or coercion, and he did not represent he was forced into a guilty plea at sentencing. The record on appeal supports the district court’s factual findings and we conclude it did not err by denying this claim. See *Johnson v. State*, 123 Nev. 139, 144, 159 P.3d 1096, 1098 (2007).


Third, Gutierrez claims the district court erred by denying his habeas petition because defense counsel was ineffective for failing to object to the additional penalty imposed under NRS 193.165. Gutierrez did not raise this ineffective-assistance-of-counsel claim in his habeas petition, and we decline to consider it for the first time on appeal. See *Davis v.*

²We note the Statutes of Nevada contain the law with the enacting clauses required by the constitution. The Nevada Revised Statutes simply reproduce those laws as classified, codified, and annotated by the Legislative Counsel. See NRS 220.120.

State, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991), *overruled on other grounds by Means v. State*, 120 Nev. 1001, 1013, 103 P.3d 25, 33 (2004).

We conclude Gutierrez is not entitled to relief, and we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Eric Johnson, District Judge
George Gutierrez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk