

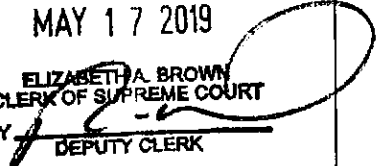
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GERALD THEODORE GLENN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75790-COA

FILED

MAY 17 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Gerald Theodore Glenn appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on March 28, 2017.¹ Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

Glenn claimed trial-level counsel was ineffective for failing to argue or do the research required to mitigate Glenn's case. To demonstrate ineffective assistance of counsel, a petitioner must show both that counsel's performance was deficient in that it fell below an objective standard of reasonableness and that prejudice resulted in that there was a reasonable probability of a different outcome absent counsel's errors. *Strickland v. Washington*, 466 U.S. 668, 687-88, 697 (1984); *Warden v. Lyons*, 100 Nev. 430, 432-33, 683 P.2d 504, 505 (1984) (adopting the test in *Strickland*).

¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3). To the extent Glenn attempts to present claims or facts on appeal that were not previously presented in the proceedings below, we decline to consider them in the first instance. See *McNelson v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).

Claims must be supported by specific factual allegations that, if true and not repelled by the record, would entitle the petitioner to relief. *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). Glenn's bare claim failed to demonstrate he was entitled to relief. *See Molina v. State*, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004) (petitioner claiming counsel did not conduct an adequate investigation must specify what a more thorough investigation would have uncovered). We therefore conclude the district court did not err by denying this claim.

Glenn also challenged the validity of his sentence on various grounds. His claims were waived because they were appropriate for, but not raised on, direct appeal. *See Franklin v. State*, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994), *overruled on other grounds by Thomas v. State*, 115 Nev. 148, 150, 979 P.2d 222, 223-24 (1999). We therefore conclude the district court did not err by denying these claims. Accordingly, we

ORDER the judgment of the district court AFFIRMED.



_____, C.J.
Gibbons



_____, J.
Tao



_____, J.
Bulla

cc: Hon. Eric Johnson, District Judge
Gerald Theodore Glenn
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk