

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SAAIM WASHINGTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

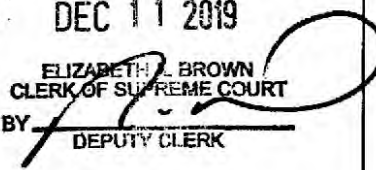
No. 77826-COA

SAAIM WASHINGTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77827-COA

FILED

DEC 11 2019

ELIZABETH L. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Saaim Washington appeals from a single district court order denying a single postconviction petition for a writ of habeas corpus filed under two separate district court case numbers: C-13-287139-1 and A-18-780117-W. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Washington raised the following claims in his petition: First, the district court erred by denying his requests for relief from his court-

appointed counsel.¹ Second, he should be allowed to withdraw his *Alford*² plea because the State breached the plea agreement by arguing for imprisonment instead of recommending probation. Third, the district court showed judicial bias by refusing to dismiss his court-appointed counsel and sentencing him to a lengthy prison term instead of granting him probation. And fourth, his 8- to 20-year prison term constitutes cruel and unusual punishment.

“[C]laims that are appropriate for a direct appeal must be pursued on direct appeal, or they will be considered waived in subsequent proceedings.” *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). These claims include, but are not limited to, “a challenge to the sentence imposed on constitutional or other grounds; a claim that the state breached the plea agreement at sentencing; . . . and a claim that the district court entertained an actual bias.” *Id.*

¹To the extent that this claim could be construed as a claim of ineffective assistance of counsel, we conclude the district court properly determined that it was a bare allegation and Washington was not entitled to postconviction relief. See *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984) (a petitioner is not entitled to postconviction relief if his claims are bare and lack specific factual allegations).

²See *North Carolina v. Alford*, 400 U.S. 25 (1970).

We conclude Washington's habeas claims were waived because he failed to pursue them on direct appeal. Consequently, the district court did not err by denying his postconviction habeas petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Saaim Washington
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk