

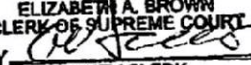
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRANDON DARRELL BLACK,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 82890-COA

FILED

SEP 24 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

Brandon Darrell Black appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on February 11, 2021.<sup>1</sup> Eighth Judicial District Court, Clark County; Christy L. Craig, Judge.

Black contends the district court erred by denying his petition without conducting an evidentiary hearing. In his petition, Black claimed that the Nevada Revised Statutes were enacted in violation of the Separation of Powers Clause of the Nevada Constitution and that the City of Las Vegas was improperly incorporated. Black's claims neither challenged the validity of his guilty plea nor alleged ineffective assistance of counsel. Accordingly, they were outside the scope of claims permissible in a postconviction petition for a writ of habeas corpus challenging a judgment of conviction based on a guilty plea. See NRS 34.810(1)(a); see also *Franklin v. State*, 110 Nev. 750, 752, 877 P.2d 1058 1059 (1994) (“[C]laims that are appropriate for a direct appeal must be pursued on direct

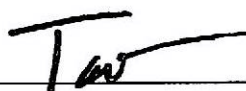
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<sup>1</sup>The district court construed Black's petition for a writ of habeas corpus as a postconviction petition. Black does not challenge this on appeal.

appeal, or they will be considered waived in subsequent proceedings.”), *disapproved of 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 Black’s petition without conducting an evidentiary hearing. *See Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Christy L. Craig, District Judge  
Brandon Darrell Black  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk