

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CLIFFORD SMITH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83498-COA

FILED

FEB 18 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *E. A. Brown*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Clifford Smith appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on May 4, 2021. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

Smith argues the district court erred by denying his claim that his guilty plea was coerced. After sentencing, a district court may permit a petitioner to withdraw his guilty plea where necessary “[t]o correct manifest injustice.” NRS 176.165. “[U]ndue coercion occurs when a defendant is induced by promises or threats which deprive the plea of the nature of a voluntary act.” *Stevenson v. State*, 131 Nev. 598, 604, 354 P.3d 1277, 1281 (2015) (internal quotation marks omitted). We review the district court’s determination that Smith failed to demonstrate manifest injustice for abuse of discretion. *Rubio v. State*, 124 Nev. 1032, 1039, 194 P.3d 1224, 1229 (2008).

Smith claimed his plea was coerced because the prosecutor forced him to plead guilty by threatening to seek habitual criminal treatment based on false prior convictions. Specifically, Smith claimed “that his original PSI [presentence investigation report] consisted of untrue

assumption[s] about his record that had him plead guilty." The district court found that the PSI was not prepared by the prosecutor and was prepared only after he entered his guilty plea, and these findings are supported by substantial evidence in the record. Moreover, during his plea canvass, Smith stated no one forced him to plead guilty and that he was pleading guilty of his own free will. Smith thus failed to demonstrate that the alleged threat induced his guilty plea. Therefore, we conclude the district court did not abuse its discretion by denying this claim.

In his petition, Smith also claimed he received ineffective assistance of counsel, his punishment was cruel and unusual, and his due process rights were violated. Smith's claims were bare and "unsupported by any specific factual allegations that would, if true, have entitled him to withdrawal of his plea." *Hargrove v. State*, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). Therefore, we conclude the district court did not err by denying these claims.

For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jacqueline M. Bluth, District Judge
Clifford Smith
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk