

IN THE SUPREME COURT OF THE STATE OF NEVADA

LOUIS M. DOMINGUEZ,

No. 37914

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

**FILED**

**JUL 12 2001**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER OF REMAND

This is an appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. Appellant was originally convicted, pursuant to a guilty plea, of one count of trafficking in a controlled substance. The district court entered the judgment of conviction on January 13, 2000, and sentenced appellant to 10 years in prison.

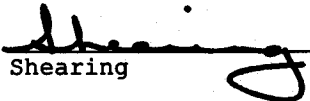
On January 11, 2001, appellant filed a proper person post-conviction petition for a writ of habeas corpus. The district court appointed counsel to supplement the petition. The State moved to dismiss the petition, and the district court granted the State's motion without conducting an evidentiary hearing. This timely appeal followed.


In the petition below, appellant argued that his trial counsel was ineffective, and that appellant would not have pleaded guilty if his attorney had informed appellant of the procuring agent defense. In support of his petition, appellant attached a copy of the affidavit prepared by a Washoe County Sheriff's deputy in support of the complaint and arrest warrant. The affidavit appears to support appellant's claim that he was merely acting as a procuring agent.


The district court found, however, that appellant had not supported his claims with specific factual

allegations. We disagree. After reviewing the petition and supplement filed by appellant, we conclude that they contained sufficient specific factual allegations in support of appellant's claim to warrant an evidentiary hearing. We therefore conclude that appellant is entitled to an evidentiary hearing on this claim.<sup>1</sup> If the court determines that the claim has merit, the court shall permit appellant to withdraw his guilty plea. Accordingly, we

ORDER the judgment of district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

  
\_\_\_\_\_, J.  
Shearing

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Rose

cc: Hon. Jerome M. Polaha, District Judge  
Attorney General  
Washoe County District Attorney  
Scott W. Edwards  
Washoe County Clerk

<sup>1</sup>Cf. Hargrove v. State, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).