

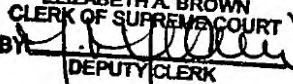
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GLENN BOBBY HENDERSON,
Appellant,
vs.
WARDEN, HIGH DESERT STATE
PRISON; AND THE STATE OF
NEVADA,
Respondents.

No. 88008-COA

FILED

NOV 01 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Glenn Bobby Henderson appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on December 21, 2022, and an amended petition.¹ Eighth Judicial District Court, Clark County; Danielle Chio, Judge.

Henderson claims the district court erred by denying his claim challenging the validity of his guilty plea without first conducting an evidentiary hearing. A guilty plea is presumptively valid, and a petitioner carries the burden of establishing the plea was not entered knowingly and intelligently. *Hubbard v. State*, 110 Nev. 671, 675, 877 P.2d 519, 521 (1994). In determining the validity of a guilty plea, this court looks to the totality

¹The notice of appeal states that Henderson is challenging a “judgment of conviction” entered on December 27, 2023. However, the district court entered an order on that date noting that Henderson had filed a pro se petition and denying Henderson’s amended petition, and Henderson’s arguments on appeal relate to that petition. Therefore, we construe Henderson’s appeal as challenging the district court’s December 27, 2023, order denying Henderson’s postconviction habeas petition and amended petition.


of the circumstances. *State v. Freese*, 116 Nev. 1097, 1105, 13 P.3d 442, 448 (2000). “A court must be able to conclude from the oral canvass, any written plea memorandum and the circumstances surrounding the execution of the memorandum (i.e., did the defendant read it, have any questions about it, etc.) that the defendant’s plea was freely, voluntarily and knowingly made.” *Id.* at 1106, 13 P.3d at 448. To warrant an evidentiary hearing, a petitioner must raise claims supported by specific factual allegations that are not belied by the record and, if true, would entitle him to relief. *See Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).

Henderson claimed that his plea was not voluntarily and knowingly entered because he had a history of head trauma and substance abuse. In support of his claim, Henderson pointed to his recently escalating criminal history, remarks he made during sentencing, and facts contained in the presentence investigation report (PSI) and psychosexual evaluation.

Henderson acknowledged in the written plea agreement that he entered into the plea agreement voluntarily and that he was not under the influence of any intoxicating liquor, controlled substance or other drug that would impair his ability to understand the plea agreement or the proceedings surrounding the entry of his plea. Moreover, during his plea canvass, Henderson informed the court that he was not under the influence of any drug, alcoholic beverage, or medication and that he understood the proceedings. He further informed the court that he reviewed both the charging document and the plea agreement and understood everything contained in them. And while Henderson argued that his post-plea remarks at sentencing and the facts contained in the PSI and the psychosexual evaluation undermined the plea canvass, he failed to allege specific facts explaining how his head trauma or substance abuse history impaired his

ability to understand his plea or otherwise affected the validity of his plea. Based on the totality of the circumstances, Henderson failed to demonstrate his plea was not entered voluntarily and knowingly. Therefore, we conclude the district court did not err by denying this claim without conducting an evidentiary hearing.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Danielle Chio, District Judge
Nevada State Public Defender's Office
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²On appeal, Henderson argues that recent changes in his criminal behavior may suggest the onset of dementia, that the district court should have conducted a more thorough plea canvass, and that his counsel should have done more to explain the plea agreement. Henderson did not raise these arguments below, and we decline to consider them on appeal in the first instance. *See State v. Wade*, 105 Nev. 206, 209 n.3, 772 P.2d 1291, 1293 n.3 (1989).