



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KYLA LOVE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 91445-COA

ORDER OF AFFIRMANCE

Kyla Love appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on August 4, 2025. Eighth Judicial District Court, Clark County; Michael Villani, Senior Judge.

Love was charged with eight counts of child abuse, neglect, or endangerment and two counts of child abuse, neglect, or endangerment resulting in substantial bodily harm. After participating in a settlement conference, Love entered into a plea agreement. Pursuant to the plea agreement, she pleaded guilty to one count of child abuse, neglect, or endangerment resulting in substantial bodily harm and one count of child abuse, neglect, or endangerment and received an aggregate sentence of 7 to 20 years in prison. She did not file a direct appeal. In the instant petition, Love claimed trial-level counsel was ineffective. The district court denied the petition without conducting an evidentiary hearing.

On appeal, Love contends the district court erred by denying her claims of ineffective assistance of counsel without holding an

evidentiary hearing. To demonstrate ineffective assistance of counsel sufficient to invalidate a judgment of conviction based on a guilty plea, a petitioner must show counsel's performance was deficient in that it fell below an objective standard of reasonableness and prejudice resulted in that, but for counsel's errors, there is a reasonable probability petitioner would not have pleaded guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 58-59 (1985); *Kirksey v. State*, 112 Nev. 980, 987-88, 923 P.2d 1102, 1107 (1996). Both components of the inquiry must be shown. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). We give deference to the district court's factual findings if supported by substantial evidence and not clearly erroneous but review the court's application of the law to those facts de novo. *Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005). 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 the petitioner to relief. *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).

First, Love claimed counsel was ineffective for coercing her plea. In particular, she claimed that she suffered from a “panoply of mental health issues”—including post-traumatic stress disorder (PTSD), depression, and anxiety—and that counsel “dominated, berated, coerced, and cajoled” her into taking the plea deal. Love’s general claim of coercion is belied by the record. In the plea agreement, Love affirmed that she was “not acting under duress or coercion” and that she was signing the plea agreement voluntarily. Likewise, during the plea canvass, Love stated that no one had forced her to participate in the settlement conference or sign the

resulting plea deal. “[A] defendant may generally not repudiate her assertions, made in open court, that the plea is voluntary.” *Rubio v. State*, 124 Nev. 1032, 1038, 194 P.3d 1224, 1228 (2008).

Moreover, although Love contended that she generally does not engage with men as a result of her mental health issues, thereby suggesting that she was particularly susceptible to her male counsel’s purportedly coercive behavior, she did not specify what counsel did or said to induce her guilty plea. *See Chappell v. State*, 137 Nev. 780, 788, 501 P.3d 935, 950 (2021) (stating a petitioner “must *specifically explain* how [her] attorney’s performance was objectively unreasonable” (quotation marks omitted)). In light of the foregoing, Love failed to allege specific facts not belied by the record indicating counsel was deficient or a reasonable probability she would not have pleaded guilty and would have insisted on going to trial but for counsel’s error. Accordingly, we conclude the district court did not err by denying this claim without conducting an evidentiary hearing.

Second, Love claimed counsel was ineffective for failing to refer her for competency proceedings in light of the above-mentioned mental health issues. Love’s bare claim did not specify how her mental health issues created doubt as to her competence to enter her guilty plea.¹ *See*

¹To the extent Love generally claimed that her plea was not voluntarily and knowingly entered because she did not understand the consequences of her guilty plea or “what was happening,” she failed to specify what she did not understand about her case or the consequences of her plea. Love also affirmed in the guilty plea agreement and at the plea canvass that she understood the charges against her, the consequences of her plea, the plea agreement, and the proceedings surrounding the entry of

Riker v. State, 111 Nev. 1316, 1325, 905 P.2d 706, 711 (1995) (recognizing that the *Dusky*² standard of competence applies to defendants who plead guilty); *see also Robinson v. State*, 301 So. 3d 577, 582 (Miss. 2020) (stating a “diagnosis of a mental illness or defect, without more, does not reasonably . . . raise a doubt about the defendant’s competence” (cleaned up)); *Eubanks v. Baker*, No. 68628, 2016 WL 2742376, at *1 (Nev. May 9, 2016) (Order of Affirmance) (concluding the petitioner’s “history of drug abuse, possible PTSD, and mental health history, without more, did not indicate that he was unable to consult with his attorney or understand the proceedings against him”). Indeed, despite Love’s mental health evaluation, counsel certified that, to the best of his knowledge and belief, (1) Love was competent to enter her plea, (2) she understood the charges against her and the consequences of her plea, and (3) she was entering her plea voluntarily. Therefore, Love failed to allege specific facts indicating counsel was deficient or a reasonable probability she would not have entered her plea and would have insisted on going to trial but for counsel’s purported error. Accordingly, we conclude the district court did not err by denying this claim without conducting an evidentiary hearing.

her plea. Therefore, Love failed to allege specific facts indicating withdrawal of her plea was necessary to correct a manifest injustice. *See Harris v. State*, 130 Nev. 435, 448, 329 P.3d 619, 628 (2014) (stating NRS 176.165 sets forth the standard for reviewing a postconviction claim challenging the validity of a guilty plea).

²*Dusky v. United States*, 362 U.S. 402 (1960).

Love also argues the district court was required to hold an evidentiary hearing to resolve credibility disputes. As previously discussed, Love's claims were either belied by the record or unsupported by any specific factual allegations that, if true, would have entitled her to relief. Therefore, the district court was not required to hold an evidentiary hearing and evaluate the credibility of witnesses before denying her petition. *See Hargrove*, 100 Nev. at 502-03, 686 P.2d at 225. For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED.



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Michael Villani, Senior Judge
The Gersten Law Firm PLLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk