

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,  
Appellant,  
vs.  
PATRICK H. RANDLE,  
Respondent.

No. 44696

**FILED**

**MAY 10 2006**

ORDER OF REVERSAL AND REMAND

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

This is an appeal by the State from an order of the district court granting a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; John S. McGroarty, Judge.

On August 5, 1996, Randle was convicted, pursuant to a jury verdict, of robbery with the use of a deadly weapon (count 1), attempted murder with the use of a deadly weapon (count 2), attempted robbery with the use of a deadly weapon (count 3), first-degree murder with the use of a deadly weapon (count 4), and robbery with the use of a deadly weapon (count 5). The trial court adjudicated Randle a habitual felon and sentenced him to two consecutive terms of life in prison with the possibility of parole for counts 1 and 2. Randle was further sentenced to three consecutive terms of life without the possibility of parole for counts 3, 4, and 5.

Randle filed an untimely direct appeal, which this court dismissed for lack of jurisdiction.<sup>1</sup> Subsequently, Randle filed a post-conviction petition for a writ of habeas corpus. The district court

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<sup>1</sup>Randle v. State, Docket No. 29468 (Order Dismissing Appeal, June 18, 1997).

appointed counsel, determined that Randle had shown good cause to overcome the procedural bars to his petition, and conducted an evidentiary hearing regarding his direct appeal claims raised in his petition.<sup>2</sup> The district court denied the petition, and Randle appealed. This court affirmed the district court's order denying Randle's petition.<sup>3</sup>

Subsequently, Randle filed a second post-conviction petition for a writ of habeas corpus, which the district court granted without an evidentiary hearing. The district court vacated Randle's judgment of conviction and sentence and granted him a new trial. The State now appeals, arguing *inter alia* that the district court relied upon bare allegations of error in Randle's habeas petition to grant him relief. We agree.

"A defendant seeking post-conviction relief cannot rely on conclusory claims for relief but must support any claims with specific factual allegations that if true would entitle him or her to relief."<sup>4</sup> Here, Randle's petition failed to provide adequate specific factual allegations, sufficiently explain his claims in any detail, cite any relevant authority to support his claims, or explain how he was prejudiced by his appellate counsel's alleged deficient performance. Despite Randle's indefinite allegations and conclusory arguments, the district court determined that six of Randle's ineffective-assistance-of-counsel claims individually

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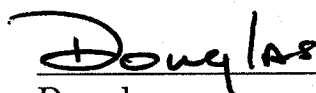
<sup>2</sup>See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).


<sup>3</sup>Randle v. State, Docket No. 33677 (Order of Affirmance, September 3, 2002).


<sup>4</sup>Evans v. State, 117 Nev. 609, 621, 28 P.3d 498, 507 (2001); see State v. Haberstroh, 119 Nev. 173, 188, 69 P.3d 676, 686 (2003); Colwell v. State, 118 Nev. 807, 812, 59 P.3d 463, 467 (2002).

warranted relief and that the accumulated constitutional error in all fourteen of his claims warranted relief. We conclude that Randle wholly failed to support any of the claims in his petition with cogent arguments, apposite authority, or specific factual allegations that if true would entitle him to relief. Therefore, we conclude that the district court erred in granting relief. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court, directing it to vacate its order and deny respondent's petition because it fails to articulate any claim warranting relief.

 \_\_\_\_\_, J.  
Douglas

 \_\_\_\_\_, J.  
Becker

 \_\_\_\_\_, J.  
Parraguirre

cc: Eighth Judicial District Court Dept. 16, District Judge  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Federal Public Defender/Las Vegas  
Clark County Clerk