IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CORENCIO TAYLOR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66108

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a post-conviction petition for a writ of habeas corpus.[1] Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

In his petition filed on October 22, 2013, appellant Corencio Taylor claimed defense counsel provided ineffective assistance of counsel.

To state a claim of ineffective assistance of counsel sufficient to invalidate a judgment of conviction based on a guilty plea, a petitioner must show (1) counsel's performance was deficient in that it fell below an objective standard of reasonableness and (2) a reasonable probability, but for counsel's errors, he 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, 988, 923 P.2d 1102, 1107 (1996). Both prongs of the ineffective-assistance inquiry must be shown. *Strickland v. Washington*, 466 U.S. 668, 697 (1984). We review the district court's

[1]This appeal has been submitted for decision without oral argument, *see* NRAP 34(f)(3), and we conclude the record is sufficient for our review and briefing is unwarranted, *see Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

resolution of ineffective-assistance claims de novo, giving deference to the court's factual findings if they are supported by substantial evidence and not clearly wrong. *Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005).

First, Taylor claimed counsel was ineffective for failing to investigate the DNA evidence before advising him to sign the guilty plea agreement. The district court conducted an evidentiary hearing on this claim and found Taylor was fully aware of the DNA evidence and how it could be beneficial to his defense before he signed the guilty plea agreement. The record demonstrates the court's finding is supported by substantial evidence and is not clearly wrong, and we conclude the court did not err by denying this claim because Taylor failed to demonstrate counsel's performance fell below an objective standard of reasonableness.

Second, Taylor claimed counsel was ineffective for coercing him into taking the plea deal. The district court found the claim did not warrant relief because Taylor offered no evidence beyond his bare allegation counsel coerced him into taking the deal. To the extent Taylor also challenged the validity of his guilty plea, the court found he entered his plea with his "eyes wide open" and fully aware of its potential consequences. The record demonstrates the court's findings are supported by substantial evidence and are not clearly wrong, and we conclude the court did not err by denying this claim. *See Means v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004) (petitioner bears the burden of proving ineffective assistance of counsel); *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986) (we presume the district court correctly assessed the validity of the plea and will not reverse absent a clear showing of abuse of discretion).

Taylor also claimed the State withheld exculpatory DNA evidence from the defense. Because the record demonstrates the nature of the DNA evidence was disclosed to Taylor before he entered his *Alford*[2] plea, we affirm the district court's denial of this claim. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (a district court order that reaches the right result for the wrong reason will be affirmed on appeal).

Having concluded the district court did not err by denying Taylor's petition, we

ORDER the judgment of the district court AFFIRMED.

_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Silver

cc: Hon. James Crockett, District Judge
Corencio Taylor
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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[2]*North Carolina v. Alford*, 400 U.S. 25 (1970).