

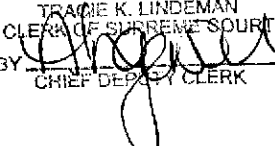
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RALPH EDWARD EVANS, III,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67064

FILED

AUG 25 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a post-conviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

In his petition filed on July 24, 2014, appellant Ralph Edward Evans, III, claimed defense counsel was ineffective for failing to perfect an appeal and for coercing him into signing the written plea agreement.

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); *Strickland v. Washington*, 466 U.S. 668, 687 (1984); *Kirksey v. State*, 112 Nev. 980, 988, 923 P.2d 1102, 1107 (1996). We review the district court's

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<sup>1</sup>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).

Following an evidentiary hearing, the district court found that (1) defense counsel testified credibly, (2) Evans' claim that counsel was ineffective for failing to file a direct appeal is belied by the testimony, (3) Evans failed to sufficiently communicate his desire to pursue a direct appeal until after the deadline for filing an appeal had passed, (4) Evans' claim that counsel coerced him into signing the written guilty plea agreement is belied by the record, and (5) Evans acknowledged through his plea canvass and the written plea agreement that his decision to plead guilty pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970), was voluntary.

Our review of the record reveals the district court's factual findings are supported by substantial evidence and are not clearly wrong. Moreover, we conclude the district court did not err as a matter of law by rejecting Evans' ineffective-assistance claims. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Douglas W. Herndon, District Judge  
Ralph Edward Evans, III  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk