

IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTOR CRUZ-REYES,  
Appellant,  
vs.  
D. W. NEVEN, WARDEN,  
Respondent.

No. 66972

FILED

DEC 18 2015

T. C. K. LINDEMAN  
CLERK OF THE SUPREME COURT  
BY *Angela*  
CHIEF DEPUTY CLERK


*ORDER OF AFFIRMANCE*


This is an appeal from a district court order denying appellant's postconviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; David A. Hardy, Judge.


Appellant contends that the district court erred by denying his claim that counsel was ineffective for misrepresenting his sentence. *See Strickland v. Washington*, 466 U.S. 668, 697 (1984) (setting forth a two-step test for claims of ineffective assistance of counsel). Appellant asserts that counsel told him he would only have to serve 8 to 15 years of his sentence of 10 years to life imprisonment. The district court conducted an evidentiary hearing on this claim, where appellant, members of his family, and his former counsel testified. The district court determined that appellant and his family members were not credible and that trial counsel's testimony was credible and demonstrated that he did not misrepresent the sentence. Appellant fails to demonstrate that the district court's credibility determinations are clearly wrong, *see Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005), and therefore, he fails to demonstrate that the district court erred by denying his petition,

see *Hill v. Lockhart*, 474 U.S. 52, 58-59 (1985) (holding that the *Strickland* test applies to guilty pleas); *Kirksey v. State*, 112 Nev. 980, 988, 923 P.2d 1102, 1107 (1996). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Saitta

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

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. David A. Hardy, District Judge  
Edward T. Reed  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk