


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JASON MILLER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 71253

FILED

SEP 13 2017

ENZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

Jason Miller appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

Miller argues the district court erred in denying his claims of ineffective assistance of counsel he raised in his June 20, 2014, petition and December 11, 2015, supplement, without conducting an evidentiary hearing. To warrant an evidentiary hearing, a petitioner must raise claims that are supported by specific factual allegations that are not belied by the record and, if true, would entitle him to relief. *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).

Miller argued his counsel was ineffective for failing to provide medical reports to experts who conducted Miller's competency evaluation, his counsel's failure to investigate his social and medical history caused Miller to be coerced into pleading guilty, his counsel was ineffective for failing to provide argument or a statement on Miller's behalf at the sentencing hearing, and the cumulative errors of counsel amounted to ineffective assistance of counsel.

Having reviewed the record before this court, we conclude the district court erred by denying the petition without conducting an evidentiary hearing concerning these claims of ineffective assistance of counsel. Accordingly, we direct the district court to conduct an evidentiary hearing concerning Miller's claims of ineffective assistance of counsel and we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.¹


_____, C.J.
Silver


_____, J.
Gibbons

cc: Hon. Eric Johnson, District Judge
Law Office of Betsy Allen
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹The Honorable Jerome T. Tao did not participate in the decision in this matter. This order constitutes our final disposition of this appeal. Any subsequent appeal shall be docketed as a new matter.