

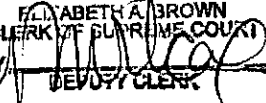
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROLAND BRADLEY YOUNG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 71073

FILED

DEC 14 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

*ORDER AFFIRMING IN PART, REVERSING IN PART AND
REMANDING*

Roland Bradley Young appeals from an order of the district court denying the postconviction petition for a writ of habeas corpus he filed on March 19, 2014, and the supplement he filed on September 4, 2015. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

First, Young claims the district court erred by denying his claim his plea was not knowing and voluntary because he was detoxing from alcohol when he entered his plea. This claim was previously raised in Young's appeal from his judgment of conviction and was rejected by the Nevada Supreme Court. *Young v. State*, Docket No. 62446 (Order of Affirmance, July 23, 2013). Therefore, it was barred by the doctrine of law of the case. *See Hall v. State*, 91 Nev. 314, 535 P.2d 797 (1975). Young claims his claim of actual innocence can overcome the doctrine of law of the case.¹ Even assuming actual innocence can overcome the doctrine of law of

¹To the extent Young raised his actual innocence claim as a standalone claim, this claim was not properly raised in a postconviction petition for a writ of habeas corpus challenging a judgment of conviction entered pursuant to a guilty plea. *See* NRS 34.810(1)(a).

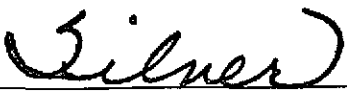
the case, Young failed to demonstrate his claim his plea was not knowingly and voluntarily entered had merit because he failed to support his claim with specific facts that, if true, would entitle him to relief. *See Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). He failed to specify how his detoxification caused him not to understand the plea. Therefore, the district court did not err by denying this claim without first holding an evidentiary hearing. *See id.*


Next, Young claims the district court erred by denying his claim counsel was ineffective for failing to investigate his claim of innocence. Young claimed had counsel investigated his claim, counsel would have discovered Young's codefendant would have supported Young's claim he did not know the codefendant was going to commit the crime of home invasion. Young claimed had he known his codefendant would have supported his claim of innocence, he would not have pleaded guilty and would have insisted on going to trial. *See Hill v. Lockhart*, 474 U.S. 52, 58-59 (1985); *Kirksey v. State*, 112 Nev. 980, 988, 923 P.2d 1102, 1107 (1996). Young supported his claim with specific facts that, if true, would entitle him to relief. *See Hargrove*, 100 Nev. at 502-03, 686 P.2d at 225. Therefore, the district court erred by denying this claim without first holding an evidentiary hearing. *See id.* Accordingly, we reverse the denial of this claim and remand for an evidentiary hearing.


Finally, Young claims the district court erred by denying his cumulative error claim. Young failed to demonstrate any errors considered cumulatively would entitle him to relief. Therefore, the district court did not err by denying this claim without holding an evidentiary hearing. *See id.*

Having considered Young's claims, we conclude Young is only entitled to the relief described herein, and we

ORDER the judgment of the district court AFFIRMED IN PART AND REVERSED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.²

, C.J.
Silver

, J.
Tao

, J.
Gibbons

cc: Hon. Douglas Smith, District Judge
Jean J. Schwartzner
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²This order constitutes our final disposition of this appeal. Any subsequent appeal shall be docketed as a new matter.