

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CARL ERIC KREHNOVI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70366

FILED

AUG 16 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Carl Eric Krehnovi appeals from an order of the district court denying the postconviction petition for a writ of habeas corpus he filed on September 17, 2013, and the supplemental petition he filed on September 8, 2014.¹ Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

Krehnovi argues the district court erred by denying his ineffective-assistance-of-counsel claims. To prove ineffective assistance of counsel sufficient to invalidate a judgment of conviction based on a guilty plea, a petitioner must demonstrate his counsel's performance was deficient in that it fell below an objective standard of reasonableness, and resulting prejudice such that there is a reasonable probability, but for counsel's errors, petitioner would not have pleaded guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 58-59 (1985);

¹This court previously reversed and remanded the denial of Krehnovi's petition and supplemental petition to the district court for an evidentiary hearing on Krehnovi's claim that counsel was ineffective for failing to investigate. *See Krehnovi v. State*, Docket No. 67856 (Order of Reversal and Remand, October 20, 2015).

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Kirksey v. State, 112 Nev. 980, 988, 923 P.2d 1102, 1107 (1996). Both components of the inquiry must be shown. *Strickland v. Washington*, 466 U.S. 668, 697 (1984). We give deference to the court's factual findings if supported by substantial evidence and not clearly erroneous but review the court's application of the law to those facts de novo. *Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005).

First, Krehnovi argued counsel was ineffective for failing to interview and investigate the victim regarding her criminal and mental health history and for failing to interview a witness to the domestic battery. Krehnovi failed to demonstrate counsel was deficient or resulting prejudice. The district court held an evidentiary hearing on this issue and found counsel was appointed only four days before Krehnovi agreed to plead guilty as part of a global plea agreement and Krehnovi failed to demonstrate what a more thorough investigation by counsel would have revealed or there was a reasonable probability Krehnovi would not have pleaded guilty and would have insisted on going to trial had counsel done further investigation. Substantial evidence supports the decision of the district court, and we conclude the district court did not err by denying this claim. *See Molina v. State*, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004).


Second, Krehnovi argued counsel was ineffective for failing to communicate with him regarding his preliminary hearing or trial. Krehnovi failed to demonstrate prejudice because he failed to demonstrate a reasonable probability he would not have pleaded guilty and would have insisted on going to trial had counsel communicated further with him. Krehnovi agreed to waive his preliminary hearing and his trial within four days of counsel being appointed. Further, Krehnovi acknowledged in his

plea agreement and during the plea canvass counsel answered any questions he had regarding the agreement and that he and counsel had discussed his case and his rights. Accordingly, we conclude the district court did not err by denying this claim.

Finally, Krehnovi argued counsel was ineffective for failing to file a motion to suppress or dismiss because Krehnovi believed his constitutional rights were violated. Krehnovi failed to demonstrate counsel was deficient or resulting prejudice because he failed to support this claim with specific facts that, if true, would entitle him to relief. See *Hargrove v. State*, 100 Nev. 488, 502-03, 686 P.2d 222, 225 (1984). Therefore, we conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. William D. Kephart, District Judge
Nguyen & Lay
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk