

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ADRIAN JACKSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70484

**FILED**

APR 19 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Appellant Adrian Jackson appeals from an order of the district court denying his August 22, 2014, postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Jackson argues the district court erred in denying his claims of ineffective assistance of trial counsel without conducting an evidentiary hearing. To prove ineffective assistance of counsel, a petitioner must demonstrate that 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 that, but for counsel's errors, the outcome of the proceedings would have been different. *Strickland v. Washington*, 466 U.S. 668, 687-88 (1984); *Warden v. Lyons*, 100 Nev. 430, 432-33, 683 P.2d 504, 505 (1984) (adopting the test in *Strickland*). Both components of the inquiry must be shown, *Strickland*, 466 U.S. at 697, and the petitioner must demonstrate the underlying facts by a preponderance of the evidence, *Means v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). 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).

First, Jackson argued his trial counsel was ineffective for failing to conduct pretrial investigation. Jackson asserts counsel should have sought testing of fingerprints and DNA discovered at the crime scene, and should have pursued information which could have shown a different person committed the crimes. Jackson failed to demonstrate his trial counsel's performance was deficient or resulting prejudice. Jackson asserted counsel may have discovered helpful information had counsel conducted investigation, but he failed to demonstrate investigation into these issues would have actually uncovered favorable evidence. See *Molina v. State*, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004) (a petitioner claiming counsel did not conduct an adequate investigation must specify what a more thorough investigation would have uncovered).

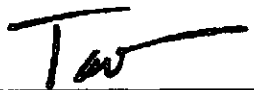
Moreover, there was significant evidence of Jackson's guilt produced at trial, as the victim identified Jackson as the perpetrator, Jackson's fingerprint was discovered on one of the bar's computers, surveillance video depicted the commission of the crimes, and clothes matching those worn by the perpetrator were discovered during a search of Jackson's residence. Given the significant evidence of Jackson's guilt, Jackson failed to demonstrate a reasonable probability of a different outcome at trial had counsel conducted investigation into these issues. Therefore, the district court did not err in denying this claim without conducting an evidentiary hearing.

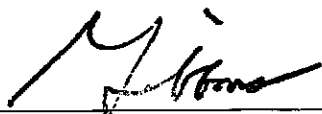
Second, Jackson argued the cumulative errors of counsel amount to ineffective assistance of counsel and should warrant vacating the judgment of conviction. Jackson failed to demonstrate any errors were

committed by his counsel, and accordingly, there were no errors to cumulate. Therefore, we conclude the district court did not err in denying this claim without conducting an evidentiary hearing and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

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