

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAYMOND DESHUN WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77451-COA

FILED

OCT 08 2019

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

ORDER OF AFFIRMANCE

Raymond Deshun Williams appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on July 3, 2018. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

First, Williams claims the district court erred by rejecting his claim that he did not receive notice of the grand jury proceedings against him and therefore his indictment should be dismissed. We conclude the district court did not err by rejecting this claim because it fell outside the scope of claims permissible in a postconviction petition for a writ of habeas corpus challenging a judgment of conviction based upon a guilty plea. See NRS 34.810(1)(a).

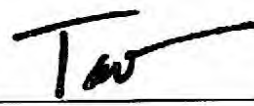
Second, Williams claims the district court erred by rejecting his claim that defense counsel was ineffective for failing to inform him of his right to testify before the grand jury. To prevail on a claim of ineffective assistance of counsel, a petitioner must demonstrate counsel's performance was deficient and resulted in prejudice. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). The district court found that Williams failed to address how he was prejudiced by counsel's performance and therefore his claim was merely a bare allegation. The record supports the district court's finding,

and we conclude the district court did not err by rejecting this claim because petitioners are not entitled to postconviction relief if their claims are bare or naked. *See Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).

Third, Williams claims the district court erred by rejecting his claim that defense counsel was ineffective for failing to move for dismissal of the indictment based on the State's failure to provide notice of the grand jury proceedings. The district court found such a motion would have been futile because the State did in fact provide notice of its intent to seek an indictment. The record supports the district court's finding, and we conclude the district court did not err by rejecting this claim because counsel cannot be held ineffective for failing to make futile motions. *See Ennis v. State*, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006).

Having concluded Williams is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Valerie Adair, District Judge
Raymond Deshun Williams
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk