

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRADLEY ALLEN SANDEFUR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79231-COA

BRADLEY ALLEN SANDEFUR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.


No. 79232-COA

BRADLEY ALLEN SANDEFUR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79233-COA

FILED

AUG 10 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Bradley Allen Sandefur appeals from an order of the district court denying postconviction petitions for a writ of habeas corpus filed in district court case number CR15-1418 (Docket No. 79231), district court case number CR15-1420 (Docket No. 79232), and district court case number CR15-1425 (Docket No. 79233). The cases were consolidated on appeal. See NRAP 3(b)(2). Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

Sandefur filed an identical petition in all three district court cases on March 27, 2017. He argues the district court erred by denying a

claim of ineffective assistance of counsel he raised in the petitions. 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); *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, 687 (1984). To warrant an evidentiary hearing, the petitioner must raise claims 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).


Sandefur claimed his counsel was ineffective for telling him that he would receive a lenient sentence and he would be eligible for parole in three years. Sandefur also asserted his counsel told him she would attempt to consolidate his cases before a particular judge for sentencing because that judge did not impose lengthy sentences for property crimes.

In the written plea agreements for all three cases, which Sandefur acknowledged having read and understood, Sandefur was informed of the possible range of sentences he faced by entry of his guilty pleas. Sandefur also acknowledged in the written plea agreements that "my attorney has not promised me anything not mentioned" in the agreements and "in particular, my attorney has not promised that I will get any specific sentence." In addition, Sandefur acknowledged in the written plea agreements that he understood his ultimate sentence was to be determined by the sentencing court. Moreover, at the plea canvasses, Sandefur again

acknowledged he had not been promised a particular sentence and understood that his ultimate sentence was within the discretion of the sentencing court. In light of these circumstances, Sandefur failed to demonstrate his counsel's performance fell below an objective standard of reasonableness. Moreover, Sandefur did not allege specific facts that would demonstrate he would have refused to plead guilty but would have insisted on proceeding to trial absent counsel's alleged deficiencies. We conclude the district court did not err by denying the petitions without conducting an evidentiary hearing. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Egan K. Walker, District Judge
Edward T. Reed
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk