

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROY JOHN JONES, JR.,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 79858-COA

FILED

OCT 09 2020

ELIZABETH S. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Roy John Jones, Jr., appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on August 10, 2018. Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

Jones claims the district court erred by denying his petition because defense counsel was ineffective. To state a claim of ineffective assistance of counsel sufficient to invalidate a judgment of conviction based on a guilty plea, a petitioner must show (1) counsel's performance was deficient in that it fell below an objective standard of reasonableness and (2) a reasonable probability, but for counsel's errors, the petitioner would not have pleaded guilty and would have insisted on going to trial. *Kirksey v. State*, 112 Nev. 980, 987-88, 923 P.2d 1102, 1107 (1996).

The petitioner must demonstrate both components of the ineffective-assistance inquiry—deficiency and prejudice. *Strickland v. Washington*, 466 U.S. 668, 697 (1984). We give deference to the district court's factual findings if they are supported by substantial evidence and are not clearly wrong, but we 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, Jones claimed defense counsel was ineffective for coercing him into pleading guilty. The district court conducted an evidentiary hearing and made the following findings. Jones's claim that counsel coerced him to plead guilty is belied by the record. He was informed of the possibility that he might be sentenced as a habitual criminal and decided to accept a guilty plea offer instead. He signed a guilty plea agreement in which he confirmed that he was entering the agreement voluntarily, no one had coerced him into entering the agreement, and he believed the agreement was in his best interest. And he testified that he entered into the guilty plea agreement so that he could immediately be released on his own recognizance and to avoid the possibility of a habitual criminal sentence. We conclude the district court's findings are supported by the record and are not clearly wrong, Jones failed to meet his burden to demonstrate that counsel was ineffective, and the district court did not err by rejecting this claim.

Second, Jones claimed defense counsel was ineffective for failing to provide him with discovery. The district court made the following findings. Counsel testified at the evidentiary hearing that she discussed all of the discovery she received from the State with Jones before Jones entered his guilty plea. Jones's claim that counsel did not provide discovery was a bare and naked claim. Jones was not entitled to his own hard copy of the discovery. And Jones has not demonstrated prejudice. We conclude the district court's findings are supported by the record and are not clearly wrong, Jones failed to meet his burden to demonstrate that counsel was ineffective, and the district court did not err by rejecting this claim.

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


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. William D. Kephart, District Judge
Roy John Jones, Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk