

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEROLD RYLANDS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79162-COA

FILED

OCT 09 2020

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

ORDER OF AFFIRMANCE

Jerold Rylands appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on September 7, 2017, and supplemental petition filed on December 28, 2017. Eighth Judicial District Court, Clark County; David M. Jones, Judge.

Rylands claims the district court erred by denying his petitions because trial counsel was ineffective. To prevail on a claim of ineffective assistance of trial counsel, a petitioner must demonstrate counsel's performance was deficient because it fell below an objective standard of reasonableness, and resulting prejudice in that there is a reasonable probability, but for counsel's errors, the outcome of the proceedings would have been different. *Strickland v. Washington*, 466 U.S. 668, 687 (1984).


The petitioner must show both components of the ineffective-assistance inquiry—deficiency and prejudice, *id.* at 697, and the petitioner must demonstrate the underlying facts of his claim by a preponderance of the evidence, *Means v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). We review the district court's resolution of ineffective-assistance claims de novo, giving deference to the court's factual findings if they are supported

by substantial evidence and not clearly wrong. *Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005).

Rylands claimed that trial counsel was ineffective for failing to “properly investigate, prepare, or move to admit expert testimony on child psychology, and specifically, declining to attempt to have an independent evaluation of the child’s psychology conducted by a defense expert.” The district court conducted an evidentiary hearing and found that Rylands failed to demonstrate that a psychological evaluation of the victim would have been helpful to his case. We conclude the district court’s finding is supported by the record and not clearly wrong, Rylands has not demonstrated that he was prejudiced by counsel’s representation, and the district court did not err by rejecting this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. David M. Jones, District Judge
Justice Law Center
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk