

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DANIEL LUTHER PARLET,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

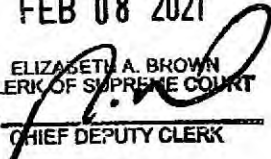
No. 80404-COA

DANIEL LUTHER PARLET,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 80405-COA

**FILED**

FEB 08 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Daniel Luther Parlet appeals from an order of the district court dismissing in part and denying in part identical petitions for a writ of habeas corpus filed on July 25, 2013, and identical supplemental petitions filed on July 30, 2014, filed in district court case numbers CR-6575 and PC-6575. Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.

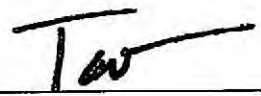
Parlet argues the district court erred by denying his claims of ineffective assistance of trial counsel without first conducting an evidentiary hearing. To demonstrate ineffective assistance of trial counsel, a petitioner must show counsel's performance was deficient in that it fell below an objective standard of reasonableness and prejudice resulted in that there was a reasonable probability of a different outcome absent counsel's errors. *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 687. We give deference to the district court's factual findings if supported by substantial evidence and not clearly erroneous but 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). To warrant an evidentiary hearing, 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).

Parlet claimed counsel was ineffective for failing to conduct an adequate pretrial investigation, file pretrial motions, and properly research the admissibility of evidence with regard to the chain of custody. The district court concluded Parlet failed to "explain how the outcome of this case would have been different if an investigator had been hired and pretrial motions filed" and denied the claims because Parlet failed to demonstrate prejudice. On appeal, Parlet does not challenge the district court's determination that he failed to demonstrate prejudice. Therefore, we conclude Parlet failed to demonstrate the district court erred by denying these claims without first conducting an evidentiary hearing. Accordingly, we

ORDER the judgments of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Kimberly A. Wanker, District Judge  
David H. Neely, III  
Attorney General/Carson City  
Nye County District Attorney  
Nye County Clerk