

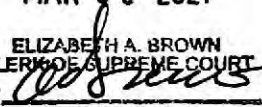
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAQUAN THOMPSON,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN,  
Respondent.

No. 80873-COA

**FILED**

MAR 05 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*


Laquan Thompson appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus, filed on September 8, 2015. Fourth Judicial District Court, Elko County; Nancy L. Porter, Judge.


Thompson contends the district court erred by denying his claim of ineffective assistance of trial counsel. 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, and the petitioner must demonstrate the underlying facts by a preponderance of the evidence, *Means v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). 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).

Thompson argues trial counsel was ineffective for failing to pursue or present exculpatory evidence at trial, specifically evidence of an additional 130 grams of methamphetamine found in Thompson's associate's motel room. The district court found that it was trial counsel's intentional trial strategy to not introduce the motel room evidence because he believed the witness with that information could do more harm than good to Thompson's case. These findings are supported by substantial evidence in the record. We conclude Thompson has failed to demonstrate how trial counsel's performance fell below an objective standard of reasonableness. *See Ford v. State*, 105 Nev. 850, 853, 784 P.2d 951, 953 (1989) ("Tactical decisions are virtually unchallengeable absent extraordinary circumstances."). Further, even if trial counsel decided to present this evidence, Thompson has not demonstrated a reasonable probability of a different outcome at trial, because the methamphetamine that Thompson was convicted of trafficking was found next to him inside the vehicle in a place his associate could not reach. Therefore, we conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Fourth Judicial District Court, Dept. 1  
Lockie & Macfarlan, Ltd.  
Attorney General/Carson City  
Elko County District Attorney  
Elko County Clerk