

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LEON WASHINGTON, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 81490-COA

**FILED**

**MAY 14 2021**

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

*ORDER OF AFFIRMANCE*

Leon Washington, Jr., appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on July 27, 2018, and a supplement filed on May 5, 2019. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

Washington contends the district court erred by denying his claims of ineffective assistance of trial-level counsel without conducting an evidentiary hearing. To demonstrate ineffective assistance of defense counsel sufficient to invalidate a judgment of conviction based on a guilty plea, a petitioner must show counsel's performance was deficient in that it fell below an objective standard of reasonableness and prejudice resulted in that, but for counsel's errors, there is a reasonable probability 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, 987-88, 923 P.2d 1102, 1107 (1996). Both components of the inquiry must be shown. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). We give deference to the 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, a 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).

First, Washington asserted counsel was ineffective for failing to interview the victim and other witnesses regarding potential motives for the victim to fabricate the allegations. Washington did not identify what information any of these witnesses would have offered. Therefore, Washington failed to allege specific facts that demonstrated his counsel's performance fell below an objective standard of reasonableness or a reasonable probability that, but for counsel speaking to potential witnesses, he would not have pleaded guilty. *See Molina v. State*, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004) (explaining that a petitioner claiming counsel should have conducted investigation must identify what the investigation would have revealed). Accordingly, we conclude the district court did not err by denying this claim without conducting an evidentiary hearing.

Second, Washington argued counsel was ineffective for inadequately communicating with him and he felt pressured into entering a guilty plea agreement. In both his guilty plea agreement and plea canvass, Washington acknowledged that counsel reviewed the guilty plea with him, answered all of his questions, and discussed all possible defenses with him, and that Washington was not coerced into pleading guilty. Washington did not specify what counsel should have done differently or how counsel's actions affected Washington's decision to plead guilty. Therefore, we conclude the district court did not err by denying these claims without conducting an evidentiary hearing.

Third, Washington argued counsel guaranteed that Washington would receive probation. In both his guilty plea agreement and plea canvass, Washington acknowledged that he had not been promised any particular sentence and that sentencing was up to the district court. Additionally, in allocution at his sentencing hearing, Washington acknowledged he would receive time in prison and asked the court for a lenient prison sentence. Washington thus failed to demonstrate counsel was deficient or that he was prejudiced. Therefore, we conclude the district court did not err by denying this claim without conducting an evidentiary hearing. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Jacqueline M. Bluth, District Judge  
Gregory Law Firm, PLC  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk