

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANGEL RAFAEL LORENZANA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 81721-COA

**FILED**

JUN 07 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Angel Rafael Lorenzana appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

In his November 5, 2019, petition, Lorenzana claimed that his counsel was ineffective. 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).

First, Lorenzana claimed that his counsel was ineffective for providing incompetent advice regarding his guilty plea. Lorenzana also asserted that he did not trust his counsel and felt intimidated by counsel. Lorenzana did not provide specific factual support for any of his assertions regarding his counsel and did not allege he was prejudiced by any errors committed by his counsel. Accordingly, Lorenzana failed to allege specific facts that demonstrated his counsel's performance fell below an objective standard of reasonableness or a reasonable probability he would have refused to plead guilty and would have insisted on proceeding to trial had counsel performed differently. Therefore, we conclude the district court did not err by denying this claim. *See Rippo v. State*, 134 Nev. 411, 426, 423 P.3d 1084, 1100 (2018).


Second, Lorenzana claimed that his counsel was ineffective for failing to investigate the case and for failing to file pretrial motions. Lorenzana did not provide specific factual assertions concerning this claim and did not identify what counsel should have investigated or which motions counsel should have filed. Accordingly, Lorenzana failed to allege specific facts that demonstrated his counsel's performance fell below an objective standard of reasonableness or a reasonable probability he would have refused to plead guilty and would have insisted on proceeding to trial had counsel performed differently. Therefore, we conclude the district court did not err by denying this claim. *See id.*

Next, Lorenzana appeared to claim that his guilty plea was not entered knowingly and voluntarily because the written plea agreement did not contain a provision concerning the State's promise to refrain from referring him for prosecution in federal court and because the State dismissed Lorenzana's charges in a separate matter. However, Lorenzana

raised these claims in his presentence motion to withdraw guilty plea, the district court concluded he was not entitled to relief based upon these claims, and this court concluded the district court did not abuse its discretion by denying the motion. *Lorenzana v. State*, Docket No. 77954-COA (Order of Affirmance, February 11, 2020). The doctrine of the law of the case prevents further consideration of these claims and “cannot be avoided by a more detailed and precisely focused argument.” *Hall v. State*, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). Therefore, the district court did not err by denying this claim.

Finally, Lorenzana claimed that the police illegally searched his vehicle without a warrant. This claim was not based on an allegation that his guilty plea was involuntarily or unknowingly entered or that his plea was entered without the effective assistance of counsel, and therefore, this claim was not permissible in a postconviction petition for a writ of habeas corpus stemming from a guilty plea. See NRS 34.810(1)(a). Accordingly, the district court properly denied relief for this claim, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Michael Villani, District Judge  
Angel Rafael Lorenzana  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk