

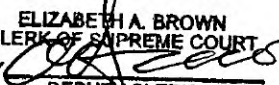
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMEL JACQKEY GIBBS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 84569-COA

**FILED**

AUG 26 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Jamel Jacqkey Gibbs appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 2, 2021. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

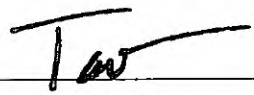
Gibbs claims the district court erred by denying his claim of ineffective assistance of trial counsel. To demonstrate ineffective assistance of trial counsel, a petitioner must show counsel's performance was deficient in that it fell below an objective standard of reasonableness and prejudice resulted 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. 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).

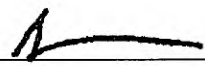
Gibbs claimed his trial counsel was ineffective for failing to tell him about his right to testify at the grand jury proceeding. Gibbs alleged

that, but for counsel's error, he would have provided testimony before the grand jury that demonstrated he did not commit the charged offenses.<sup>1</sup> Gibbs failed to demonstrate prejudice relating to the grand jury proceedings because he was ultimately convicted at trial of second-degree murder with the use of a deadly weapon beyond a reasonable doubt. *See United States v. Mechanik*, 475 U.S. 66, 70 (1986) (holding that any error in grand jury proceedings was harmless where defendants were found guilty beyond a reasonable doubt at trial); *see also Lisle v. State*, 114 Nev. 221, 224-25, 954 P.2d 744, 746-47 (1998). Therefore, we conclude the district court did not err by denying this claim, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Tierra Danielle Jones, District Judge  
Jamel Jacqkey Gibbs  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>The State charged Gibbs with murder with the use of a deadly weapon and ownership or possession of a firearm by a prohibited person. The State subsequently dismissed the latter charge.