

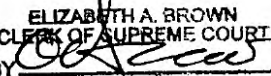
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

VALENTIN ANTHONY CORRALES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84102-COA

FILED

DEC 12 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

Valentin Anthony Corrales appeals from an order of the district court granting a motion to dismiss his postconviction petition for a writ of habeas corpus filed on December 18, 2019. Second Judicial District Court, Washoe County; Kathleen A. Sigurdson, Judge.

Corrales claims the district court erred by dismissing his claim 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, 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).

Corrales claimed counsel was ineffective for failing to advise Corrales regarding the possible sentencing enhancements he faced. The district court dismissed Corrales' claim on the ground that it arose from Corrales' mistaken belief that he was sentenced pursuant to the habitual criminal statute. In his opposition to the State's motion to dismiss, Corrales had clarified that while his pro se petition referred to habitual criminal sentencing enhancements, he was in fact unaware of the statutory authority ultimately used to enhance his sentences and argued that counsel's failure to advise him of the possibility of enhancements was objectively unreasonable. Based on this, we conclude the district court erred by dismissing Corrales' claim on the ground that it arose from Corrales' mistaken belief that he was sentenced as a habitual criminal.


Corrales alleged counsel failed to inform him about the relevant sentencing enhancement he faced, he was offered a plea deal to one felony, the deal was more favorable than the outcome of his trial,¹ and he would have accepted the deal had counsel advised him about the sentencing enhancements he faced. In addition, nothing in the record indicates that the State would have withdrawn the deal or that the district court would have rejected it. Corrales thus supported his ineffective-assistance-of-counsel claim with specific factual allegations that were not belied by the record and, if true, would have entitled him to relief. *See Lafler v. Cooper*, 566 U.S. 156, 164 (2012). Therefore, we conclude the district court erred by


¹Corrales was convicted of 39 felonies and sentenced to 39 consecutive terms of life in prison.

dismissing this claim without conducting an evidentiary hearing. Accordingly, we reverse the district court's dismissal of this claim and remand for the district court to conduct an evidentiary hearing on this ineffective-assistance-of-counsel claim. For the foregoing reasons, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Kathleen A. Sigurdson, District Judge
Edward T. Reed
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk