IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ASHANTE CHRISTIAN,
Appellant,
vs.
WARDEN WILLIAMS; AND THE STATE OF NEVADA,
Respondents.

No. 87847-COA

FILED

JUL 26 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

Ashante Christian appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on September 11, 2023. Eighth Judicial District Court, Clark County; Crystal Eller, Judge.

Christian argues the district court erred by denying her claims that counsel was ineffective. To demonstrate ineffective assistance of 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. *See Strickland v. Washington*, 466 U.S. 668, 687 (1984). 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).

24-26089

First, Christian argues the district court erred by denying her claim that counsel was ineffective for failing to communicate with her after she entered her plea. The district court found that Christian did not allege what her and counsel would have discussed had they communicated more or how that communication would have resulted in a reasonable probability of a different outcome. The record supports the decision of the district court, *see Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984) (holding that a petitioner must raise claims supported by specific factual allegations that are not belied by the record and, if true, would entitle the petitioner to relief), and we conclude the district court did not err by denying this claim.[1]

Second, Christian argues the district court erred by denying her claim that her plea was not knowingly and voluntarily entered because she did not understand the sentencing range. In her petition below, Christian stated she was "deceived on sentence Prrb [sic] vs. parole." Christian did not further explain this claim in her petition. The district court found that Christian failed to support this claim with specific facts that, if true, would entitle her to relief. The record supports the finding of the district court. *See id.* Thus, we conclude that the district court did not err by denying this claim.[2]

---

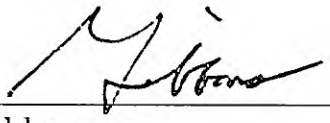
[1]On appeal, Christian claims that counsel failed to explain the possible sentences she could have received by pleading guilty. This information was not presented in her petition below, and we decline to consider it for the first time on appeal. *See McNelton v. State*, 115 Nev. 396, 415-16, 990 P.2d 1263, 1275-76 (1999).

[2]On appeal, Christian admits she knew she could be sentenced to two to five years or two to ten years but she did not understand that the minimum could be more than two years or that the maximum could be

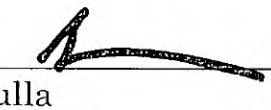
Next, Christian argues the district court erred by denying her claim that the sentencing court abused its discretion and that her sentencing hearing was inadequate. This claim fell outside the scope of a postconviction petition for a writ of habeas corpus challenging a judgment of conviction entered pursuant to a guilty plea. *See* NRS 34.810(1)(a). Therefore, we conclude that the district court did not err by denying this claim.

Finally, Christian argues the district court erred by denying her claims that counsel was ineffective at sentencing by not being prepared and by failing to correct false or misleading information at sentencing. These claims were not raised in Christian's petition below, and we decline to consider these claims for the first time on appeal. *See McNelton v. State*, 115 Nev. 396, 415-16, 990 P.2d 1263, 1275-76 (1999). Accordingly, we

ORDER the judgment of the district court AFFIRMED.



_____, C.J.
Gibbons



_____, J.
Bulla

_____, J.
Westbrook

---

anything other than five or ten years. Because this information was not presented in the district court, we decline to consider it for the first time on appeal. *See McNelton*, 115 Nev. at 415-16, 990 P.2d at 1275-76.

cc: Hon. Crystal Eller, District Judge
Ashante Christian
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk