

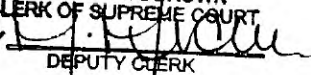
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALEXIS CYNTHIA ALEGRIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87394-COA

FILED

AUG 30 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Alexis Cynthia Alegria appeals from a district court order granting a motion to dismiss a postconviction petition for a writ of habeas corpus filed on September 10, 2021, and supplement. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

Alegria argues the district court erred by denying her claims of ineffective assistance of counsel without conducting an evidentiary hearing. To demonstrate ineffective assistance of 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*). To demonstrate prejudice regarding the decision to enter a guilty plea, a petitioner must show a reasonable probability that, but for counsel's errors, 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, 988, 923 P.2d 1102, 1107 (1996). Both components of the inquiry—deficiency and prejudice—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 the petitioner to relief. *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).

Alegria claimed counsel was ineffective for failing to investigate her mental health issues or explain mental health defenses that were available to her. In particular, Alegria contended that she was legally insane at the time she committed the crimes because her parents were assaulting her during the crimes and she was suffering from "untreated schizophrenia and related psychosis." Alegria also contended that she would not have pleaded guilty had counsel explained an insanity defense to her.

To demonstrate legal insanity, a defendant must show that, "due to a disease or defect of the mind, [they] suffered from delusions such that [they] did not (1) know or understand the nature and capacity of [their] . . . act; or (2) appreciate that [their] conduct was wrong." *Kassa v. State*, 137 Nev. 150, 152, 485 P.3d 750, 754 (2021) (internal quotation marks and punctuation omitted). Under this test, "[d]elusional beliefs can only be the grounds for legal insanity when the facts of the delusion, if true, would justify the commission of the criminal act." *Id.* at 154, 485 P.3d at 756 (quotation marks omitted).

Although Alegria contended that she was suffering from mental illnesses, evidence of mental illness does not, in and of itself, indicate that

a defendant was legally insane. *See Finger v. State*, 117 Nev. 548, 577, 27 P.3d 66, 85 (2001) (overruling precedent “to the extent it implies that any evidence of mental illness or aberration requires the jury to be instructed on the issue of legal insanity”). Notably, Alegria did not specify what delusions she suffered from or how the facts of any delusions justified commission of the criminal acts. Thus, Alegria failed to allege specific facts indicating she was legally insane when she committed the crimes. She also did not allege that she informed counsel she was suffering from delusions when she committed the criminal acts. Therefore, Alegria failed to demonstrate counsel was deficient or a reasonable probability that she would not have pleaded guilty and would have insisted on going to trial but for counsel’s failure to investigate her mental health issues or to explain an insanity defense.¹ Accordingly, we conclude the district court did not err by denying these claims without conducting an evidentiary hearing.

Alegria also claimed counsel was ineffective at sentencing for failing to investigate and provide mitigating evidence of her mental illnesses. In particular, Alegria contended that counsel was ineffective for failing to obtain a mental health expert who could have explained that Alegria’s unmedicated schizophrenia affected her ability to rationally react to the volatile situation with her parents on the day they were killed.

At the sentencing hearing, counsel discussed Alegria’s history of mental illness. Counsel informed the district court that another criminal case had been dismissed because Alegria was deemed not competent due to

¹Because Alegria failed to allege specific facts indicating she was legally insane when she committed the crimes, she also failed to demonstrate counsel was ineffective for failing to obtain a mental health expert to support an insanity defense.

the severity of her mental health symptoms and cognitive deficits. Counsel informed the court that a doctor previously determined Alegria required involuntary hospitalization due to the risk she posed to herself and that Alegria was a “great risk in her community if unable to receive further psychiatric stabilization treatment and mental health service planning.” Counsel argued that, although Alegria was now taking a medication that helped tremendously, the system had failed Alegria by letting her get to a point where she had become so out of control that these events occurred. Counsel specifically requested that the court consider Alegria’s history of mental health issues in fashioning the sentence, and the court stated that it had “considered [counsel’s] very thorough presentation of Ms. Alegria’s history” in determining its sentencing decision.

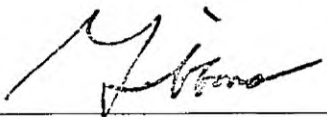
Counsel argued Alegria’s mental health issues in mitigation at sentencing. In light of this presentation, Alegria failed to allege specific facts indicating counsel’s failure to obtain a mental health expert was objectively unreasonable. Moreover, even assuming counsel was deficient, Alegria did not specify why such an expert would have changed the outcome at sentencing given that the court was well aware of her mental health issues. *See Chappell v. State*, 137 Nev. 780, 788, 501 P.3d 935, 950 (2021) (stating “a petitioner must specifically articulate how counsel’s deficient performance prejudiced him or her”). Therefore, Alegria failed to demonstrate a reasonable probability of a different outcome had counsel obtained a mental health expert for sentencing. Accordingly, we conclude the district court did not err by denying this claim without conducting an evidentiary hearing.


Alegria also appeared to claim that her plea was not voluntarily, knowingly, or intelligently entered due to the above-mentioned

allegations of ineffective assistance of counsel. For the reasons previously discussed, the district court did not err by denying Alegria's ineffective-assistance-of-counsel claims. Therefore, Alegria failed to demonstrate that counsel's ineffectiveness caused her plea to be entered unknowingly, involuntarily, or unintelligently or that withdrawal of her plea was necessary to correct a manifest injustice. See NRS 176.165 (stating a district court may permit a defendant to withdraw their guilty plea after sentencing where necessary "[t]o correct manifest injustice"); *Harris v. State*, 130 Nev. 435, 448, 329 P.3d 619, 628 (2014) (stating NRS 176.165 "sets forth the standard for reviewing a post-conviction claim challenging the validity of a guilty plea"); *Rubio v. State*, 124 Nev. 1032, 1039, 194 P.3d 1224, 1228 (2008) ("A guilty plea entered on advice of counsel may be rendered invalid by showing a manifest injustice through ineffective assistance of counsel."). Accordingly, we conclude the district court did not err by denying this claim without conducting an evidentiary hearing.

For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Kathleen M. Drakulich, District Judge
Oldenburg Law Office
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk