


IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant/Cross-Respondent,
vs.
QUINCEY WILLIAMS,
Respondent/Cross-Appellant.

No. 88959

FILED

AUG 15 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal and cross-appeal from a district court order granting in part and denying in part a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Christy L. Craig, Judge. After a jury trial, respondent/cross-appellant Quincey Williams was convicted of 18 felonies arising out of a series of home invasions and sentenced to an aggregate term of 57 years to life. Williams unsuccessfully appealed. Williams then petitioned for a postconviction writ of habeas corpus. After an evidentiary hearing, the district court concluded that trial counsel provided ineffective assistance at sentencing and ordered a new sentencing hearing, at which Williams was resentenced to an aggregate term of 20 years to life. The court rejected Williams' remaining claims. The State appeals, challenging the more lenient new sentence, and Williams cross-appeals, arguing that counsel also provided ineffective assistance during the guilt phase.

To demonstrate ineffective assistance of counsel, a petitioner must show that counsel's performance was deficient in that it fell below an objective standard of reasonableness and that 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*). The petitioner must demonstrate the underlying facts by a preponderance of the evidence, *Means v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004), and both components of the inquiry must be shown, *Strickland*, 466 U.S. at 697. For purposes of the deficiency prong, counsel is strongly presumed to have provided adequate assistance and exercised reasonable professional judgment in all significant decisions. *Id.* at 690. We give deference to the district court's factual findings that are supported by substantial evidence and not clearly wrong but review its application of the law to those facts de novo. *Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005).

The State argues that trial counsel did not perform deficiently in failing to learn of and present information regarding Williams' mental health history and difficult childhood, particularly as Williams reported no issues regarding his mental health or upbringing during the presentence investigation. The district court erred in finding that counsel did not identify any mitigating circumstances. Counsel argued that Williams' parents were incarcerated for a significant amount of Williams' childhood and repeatedly argued Williams' minimal criminal history. Additionally, the district court incorrectly interpreted the sentencing court's comment about an absence of mitigating evidence. The sentencing court found no mitigating circumstances weighing against the deadly-weapon-enhancement sentence, not that mitigating evidence was not presented at

all. The district court thus erred in its findings in these regards.¹ Nevertheless, the record supports the district court's conclusion that counsel provided ineffective assistance with respect to the mitigation presentation.

"[C]ounsel has a duty to investigate, even if his or her client does not divulge relevant information." *Vega v. Ryan*, 757 F.3d 960, 969 (9th Cir. 2014). Counsel knew that Williams' parents had a significant custodial history and failed to follow up with further inquiry into Williams' background, which would have revealed the hardships Williams highlighted in the supplemental postconviction habeas memorandum. Counsel performed deficiently in conducting no more than a cursory investigation into Williams' personal history, and we perceive no error in the district court's conclusion that this omission prejudiced Williams.

Williams, in turn, first argues on cross-appeal that trial counsel should have investigated and presented certain phone-call evidence during the guilt phase. Substantial evidence supports the district court finding that counsel declined to seek the phone records out of a concern that they would include inculpatory evidence. Counsel's omission thus reflects a strategic decision. Strategic decisions are "virtually unchallengeable absent extraordinary circumstances," *Lara v. State*, 120 Nev. 177, 180, 87 P.3d 528, 530 (2004) (internal quotation marks omitted), which Williams has not shown, particularly as Williams was acquitted of charges arising from two of the three home invasion incidents alleged. Further, Williams has not


¹The State also argues that the district court erred in failing to enter an order resolving the postconviction habeas petition until after it resentenced Williams. While this was error, we conclude that it does not warrant any relief given our substantive review of the district court's decision regarding the habeas petition.

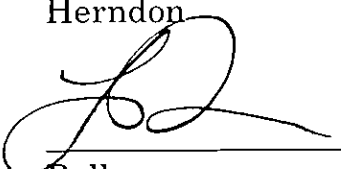
shown that the evidence would have led to a reasonable probability of a different outcome. We therefore conclude that relief is not warranted on this basis.

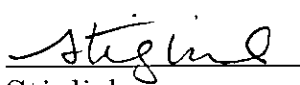
Williams next argues that the State violated *Brady v. Maryland*, 373 U.S. 83 (1963), by failing to disclose that a detective who testified at trial was contemporaneously being investigated for acts of moral turpitude. To establish a *Brady* violation, an individual must show the evidence is favorable, the State withheld the evidence, and the evidence was material. *Mazzan v. Warden*, 116 Nev. 48, 67, 993 P.2d 25, 37 (2000). While impeachment evidence is favorable to Williams for *Brady* purposes, *United States v. Bagley*, 473 U.S. 667, 676 (1985), Williams has failed to show withholding or prejudice. Williams has not shown that the State constructively possessed information regarding these allegations where Williams asserts that police only learned of suspicious conversations involving the detective after the trial had begun. See *Watkins v. Rubenstein*, 802 F.3d 637, 642 (4th Cir. 2015) (stating that *Brady* requires the prosecution to disclose favorable evidence it possesses before trial). The arrest report for the detective was not filed until approximately four months after Williams' trial. And Williams has not shown prejudice where the detective testified only to the surveillance conducted—not the home invasion and related charges of which Williams was convicted—and the detective's testimony was complemented by another detective who discussed the surveillance. Undermining the detective's testimony would not have affected the outcome of the trial. We therefore conclude that relief is not warranted on this basis.

Having considered the parties' arguments and concluded that they do not warrant relief, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Herndon


_____, J.
Bell


_____, J.
Stiglich

cc: Hon. Christy L. Craig, District Judge
Attorney General/Carson City
Clark County District Attorney
Wright Marsh & Levy
Eighth District Court Clerk