

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANDRE DOMINIC GILLIAM,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89568-COA

FILED

SEP - 3 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Andre Dominic Gilliam appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on March 27, 2024. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

Gilliam's postconviction habeas petition challenged his conviction of battery with the use of a deadly weapon causing substantial bodily harm. Gilliam argues the district court erred by denying his claims of ineffective assistance of trial counsel and judicial misconduct without 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. 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).


First, Gilliam argues that trial counsel was ineffective and the trial-level court was biased against him. Gilliam's argument describes his version of events on the day of the charged conduct but does not cite any actions counsel should have taken to prove these facts. He does not identify witnesses to whom counsel should have spoken or evidence counsel could have discovered and presented at trial. *See id.*; *see also Molina v. State*, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004) (stating a petitioner claiming counsel did not conduct an adequate investigation must specify what a more thorough investigation would have uncovered). Similarly, Gilliam does not identify any conduct on the part of the trial-level court that suggests bias, and his bare and unsupported claim was insufficient to demonstrate he was entitled to relief. *See Hargrove*, 100 Nev. at 502, 686 P.2d at 225 (holding that bare claims are insufficient to grant relief). Therefore, the district court did not err in denying this claim without conducting an evidentiary hearing.

Second, Gilliam argues that the trial-level court was biased in sentencing him to the underlying prison sentence after revoking probation. However, this claim was forfeited because Gilliam could have raised it on appeal from entry of the amended judgment of conviction. *See Franklin v. State*, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (holding that a petitioner forfeits postconviction claims that could have been pursued on direct appeal), *overruled on other grounds by Thomas v. State*, 115 Nev. 148, 150, 979 P.2d 222, 223-24 (1999). Therefore, the district court did not err in denying this claim without conducting an evidentiary hearing.

Lastly, Gilliam asserts that he was not permitted to file a supplemental petition. Gilliam was not entitled to file a supplemental petition, *see* NRS 34.750(5), and he makes no cogent argument addressing why the district court should have permitted him to supplement his petition, *see Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3. 6 (1987) (recognizing that “[i]t is appellant’s responsibility to present relevant authority and cogent argument”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Erika D. Ballou, District Judge
Andre Dominic Gilliam
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk