

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HENRY MASON,
Appellant,
vs.
WARDEN RONALD OLIVER;
OFFENDER MANAGEMENT
DIVISION; AND THE STATE OF
NEVADA,
Respondents.

No. 90173-COA

FILED

SEP 16 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

ORDER OF AFFIRMANCE

Henry Mason appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on December 4, 2023, and supplement. Eighth Judicial District Court, Clark County; Tara D. Clark Newberry, Judge.

Mason contends that the district court erred in denying his claims that the ineffective assistance of counsel rendered his guilty plea unknowing and involuntary. A guilty plea is presumptively valid, and a petitioner carries the burden of establishing that the plea was not entered knowingly and intelligently. *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986), *superseded, by statute on other grounds as stated in Hart v. State*, 116 Nev. 558, 1 P.3d 969 (2000); *see also Hubbard v. State*, 110 Nev. 671, 675, 877 P.2d 519, 521 (1994). In determining the validity of a guilty plea, this court looks to the totality of the circumstances. *State v. Freese*, 116 Nev. 1097, 1105, 13 P.3d 442, 448 (2000); *Bryant*, 102 Nev. at 271, 721

P.2d at 367. When raising a postconviction claim challenging the validity of a guilty plea, the petitioner must demonstrate a manifest injustice. See *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”). “A guilty plea entered on advice of counsel may be rendered invalid by showing a manifest injustice through ineffective assistance of counsel. Manifest injustice may also be demonstrated by a failure to adequately inform a defendant of the consequences of his plea.” *Rubio v. State*, 124 Nev. 1032, 1039, 194 P.3d 1224, 1228-29 (2008) (footnote and internal quotation marks omitted).

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 the 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. *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).

First, Mason contends that his guilty plea was not knowing and voluntary because trial-level counsel was ineffective for promising him that

the district court would sentence him to probation or, at the most, two to ten years' imprisonment. Mason also contends he believed the plea agreement contained a stipulation to a particular sentence and that counsel improperly failed to obtain such a stipulation. He further asserts that the stress, confusion, and lack of understanding stemming from his mental condition resulted in him believing that counsel made such a promise.

Mason acknowledged in the guilty plea agreement and plea canvass that the charge to which he was pleading guilty had a sentencing range of 2 to 15 years' imprisonment, the sentencing court had sole discretion to impose sentence, and that he had not been—nor could anyone have—promised him a particular sentence. Further, at the evidentiary hearing concerning Mason's postconviction petition, trial-level counsel testified that she never told Mason he would receive a 2-10 year-prison sentence and would never tell *any* client that they would get probation.

The district court found that the guilty plea agreement did not promise probation and counsel's testimony about not promising Mason probation was credible. The record supports the findings of the district court. Moreover, the "mere subjective belief of a defendant as to potential sentence, or hope of leniency, unsupported by any promise from the State or indication by the court, is insufficient to invalidate a guilty plea as involuntary or unknowing." *Rouse v. State*, 91 Nev. 677, 679, 541 P.2d 643, 644 (1975). Thus, Mason failed to demonstrate trial-level counsel's performance was deficient or a reasonable probability that he would not have pleaded guilty and would have insisted on going to trial but for the

purported promises. Therefore, we conclude the district court did not err by denying this claim.¹

Second, Mason contends that trial-level counsel was ineffective for inadequate communication and failing to provide discovery. He contends that given his significant mental health issues he required additional assistance beyond what a typical client would need.

Mason acknowledged in the guilty plea agreement and during the plea canvass that trial-level counsel discussed potential defenses and issues, answered any questions he had, and he was satisfied with his counsel's performance. Trial-level counsel also testified at the evidentiary hearing concerning Mason's postconviction petition that she provided Mason with discovery both when she met him in court and through an online portal. She further testified that she never experienced any difficulty in communicating with Mason. The district court found Mason's claim of insufficient communication was not supported by the evidentiary hearing testimony. Further, it noted that trial-level counsel's pleadings indicated extensive discussions between Mason and counsel. The record supports the findings of the district court. Because Mason failed to demonstrate counsel's performance was deficient or prejudice, we conclude the district court did not err by denying this claim.

¹To the extent Mason also asserted his guilty plea was invalid because of his confusion due to his mental condition, Mason failed to demonstrate withdrawal of his guilty plea was necessary to correct a manifest injustice. See NRS 176.165.

Third, Mason contends that trial-level counsel was ineffective for not investigating potential defenses based on his mental illness. 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 Mason contended that he suffered from mental illness, 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”). While Mason insists he did not believe the victim was his grandmother—as set forth in the discovery received by defense counsel—Mason did not specify what delusions he suffered from or how the facts of any delusions justified commission of the criminal acts. Further, he did not allege that he described any delusions he suffered at the time of the offense to trial-level counsel. Rather, trial-level counsel testified that Mason resisted efforts to mount a defense based on his mental state. Thus, Mason failed to demonstrate specific facts indicating trial-level counsel should have pursued a defense that he was legally insane when he

committed the crimes. Because Mason failed to demonstrate counsel was deficient or prejudice, we conclude the district court did not err by denying this claim.

Having considered Mason's contentions and concluding that they lack merit, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Tara D. Clark Newberry, District Judge
Steven S. Owens
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²Insofar as the parties raise arguments that are not specifically addressed in this order, we conclude that they either do not present a basis for relief or need not be addressed.