

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY OCEJA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90491-COA

FILED

JAN 13 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY Elizabeth A. Brown
DEPUTY CLERK

ORDER OF AFFIRMANCE

Anthony Oceja appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on January 23, 2025. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

First, Oceja argues the district court erred by denying his claims of ineffective assistance of counsel without conducting an evidentiary hearing.¹ 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

¹Oceja was represented by multiple attorneys during the underlying criminal proceedings.

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).

Oceja contends the district court erred by denying his claims that counsel were ineffective for failing to: file pretrial motions; conduct pretrial investigation; challenge missing, altered, or fabricated medical and child protective services records; and challenge inaccurate witness statements and testimony. Oceja failed to allege specific facts demonstrating how counsels' alleged errors impacted Oceja's decision to plead guilty. Accordingly, Oceja failed to demonstrate a reasonable probability he would not have pleaded guilty but for counsels' alleged errors. Therefore, we conclude the district court did not err by denying these claims without conducting an evidentiary hearing.

Oceja also contends the district court erred by denying his claim that counsel was ineffective for telling Oceja that he needed to have a basis to withdraw his guilty plea prior to sentencing. As the district court found,

counsel's purported advice was an accurate statement of the law. See *Stevenson v. State*, 131 Nev. 598, 600, 354 P.3d 1277, 1278 (2015) (holding the district court did not err by denying appellant's presentence motion to withdraw his guilty plea where "appellant failed to present a fair and just reason favoring withdrawal of his plea"). Accordingly, Oceja failed to demonstrate deficiency or prejudice. Therefore, we conclude the district court did not err by denying this claim without conducting an evidentiary hearing.

Second, Oceja argues the district court erred by considering counsels' actions at trial to deny Oceja's claims where Oceja ultimately pleaded guilty. Oceja contends the district court's reliance on counsels' performance at trial was improper because the trial was "vacated" due to his guilty plea. Based on our conclusions above, Oceja fails to demonstrate he is entitled to relief based on this claim.

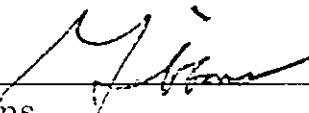
Third, Oceja argues the district court erred by not allowing him to be present at the hearing regarding his petition. The record indicates the hearing at issue was not an evidentiary hearing, no testimony was presented, and the district court merely stated its denial on the record. Oceja thus fails to demonstrate that he was prejudiced by his absence at the hearing. Cf. *Gebers v. State*, 118 Nev. 500, 504, 50 P.3d 1092, 1094-95 (2002) (concluding a postconviction habeas petitioner's statutory rights were violated when she was not present at a hearing where testimony and evidence were presented).

Finally, Oceja appears to argue that he was disadvantaged because he was not allowed to cite legal authority in his petition. Oceja was

not barred from citing legal authority but was rather not *required* to cite legal authority. See NRS 34.735 (providing the form postconviction habeas petition and stating that a petitioner is “not required to cite to law or authorities”). Therefore, Oceja is not entitled to relief based on this claim, and we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

²To the extent Oceja raises arguments in his briefing on appeal that he did not raise below, we decline to consider any such claims on appeal in the first instance. See *State v. Wade*, 105 Nev. 206, 209 n.3, 772 P.2d 1291, 1293 n.3 (1989).

Insofar as Oceja raises other arguments not specifically addressed in this order, we have considered the same and conclude that they either need not be reached or do not present a basis for relief.

cc: Hon. Tierra Danielle Jones, District Judge
Anthony Oceja
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk