



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SASHA WILLIAMS,
Appellant,
vs.
JERRY HOWELL, WARDEN,
FLORENCE MCCLURE WOMEN'S
CORRECTIONAL CENTER; AND THE
STATE OF NEVADA,
Respondents.

No. 90363-COA

ORDER OF AFFIRMANCE

Sasha Williams appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on August 3, 2021. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Williams argues the district court erred by denying her claims that counsel was ineffective at sentencing without first 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. *See 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).

First, Williams claimed counsel was ineffective for failing to have her evaluated to determine whether she suffered from post-traumatic stress disorder (PTSD) and whether she had any cognitive disabilities. In furtherance of this claim, Williams was evaluated during the postconviction proceedings by a psychologist and found to suffer from PTSD stemming from her abuse as a child and to have a lower IQ and possible brain damage. Williams argued that, had counsel had her evaluated prior to sentencing, he could have argued that her PTSD from her child abuse caused her to be easily manipulated and to avoid conflict, which could have explained why she participated in the crime and why she acted the way she did at sentencing. Further, Williams argued her cognitive issues could have explained: (1) her difficulty with comprehending verbal communication and her lack of ability to remember and communicate continuity of thought; (2) how her deficits directly affected her ability to make decisions, understand consequences, and understand what was being asked when she testified at her codefendant's trial, as well as her ability to express herself at sentencing; and (3) how she would have had difficulty thinking through the consequences of her actions. Williams contended this evidence would have persuaded the sentencing court to give her a reduced sentence.

The district court found that Williams failed to demonstrate counsel's performance was deficient because it was reasonable under the circumstances for counsel to not have Williams evaluated for PTSD and cognitive difficulties. *See State v. Powell*, 122 Nev. 751, 759, 138 P.3d 453,

458 (2006) (“An attorney must make reasonable investigations or a reasonable decision that particular investigations are unnecessary.”). First, counsel employed a psychologist to evaluate Williams before sentencing, and the psychologist’s report did not indicate there were any mental health issues or cognitive concerns; therefore, counsel was reasonable in not investigating further. *See Strickland*, 466 U.S. at 689 (“A fair assessment of attorney performance requires that every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel’s challenged conduct, and to evaluate the conduct from counsel’s perspective at the time.”). Second, Williams failed to allege facts, other than her abusive childhood, that would have caused reasonable counsel to investigate whether she had mental health issues or cognitive difficulties.¹

The district court also found that Williams failed to demonstrate a reasonable probability of a different outcome at sentencing had counsel presented evidence regarding her PTSD and cognitive deficits. The district court found the sentencing court received similar mitigation evidence from the psychologist’s report and counsel’s argument. The report and counsel’s argument included elements that Williams was easily manipulated based on the abuse she suffered from her childhood. Further, the district court found that the sentencing court based Williams’ sentence on the facts of the crime and specifically found that the codefendants would have had no reason to go to the apartment and commit the crimes without Williams. The district court also found that the sentencing court explicitly determined the benefit Williams received was the plea agreement with

¹Williams also argues that *Weaver v. Warden*, 107 Nev. 856, 858-59, 822 P.2d 112, 114 (1991), required counsel to investigate and present the PTSD evidence at sentencing. We do not read *Weaver* that broadly.

greatly reduced charges and there would be no break on the sentence. We conclude the district court's findings are supported by the record. Therefore, we conclude the district court did not err by denying this claim without first conducting an evidentiary hearing.²

Second, Williams claimed counsel was ineffective for failing to prepare Williams for sentencing. Specifically, she argued counsel should have told her that she could still apologize to the victims despite the sentencing court's statement that she could not personally address the victims' families. Williams also contended counsel should have told her not to tell the sentencing court it could be proud of her for the way she conducted herself while released on bail. The district court found that counsel was not deficient regarding an apology to the victims because counsel mentioned Williams' remorse during counsel's argument, and the court determined counsel's argument was reasonable to address Williams' apparent lack of remorse during her statement. The factual findings are supported by the record, and we conclude the district court did not err by finding counsel's performance was not deficient. Further, Williams failed to demonstrate a reasonable probability of a different outcome at sentencing had counsel better prepared her. As stated above, the sentencing court based its sentence on the facts of the crime, Williams' involvement, and the favorable

²Williams also claimed counsel was ineffective for failing to request an amendment to the presentence investigation report (PSI) to include Williams' purported PTSD and cognitive difficulties. Having concluded Williams failed to demonstrate counsel's performance was deficient with regard to having Williams examined for PTSD or cognitive difficulties, we necessarily conclude she failed to demonstrate counsel's performance regarding the PSI was deficient. Therefore, we conclude the district court did not err by denying this claim without first conducting an evidentiary hearing.

negotiations she received from the State. Therefore, we conclude the district court did not err by denying this claim without first conducting an evidentiary hearing.

Finally, Williams claimed the cumulative errors of counsel entitled her to relief. Even if multiple instances of deficient performance could be cumulated for purposes of demonstrating prejudice, *see McConnell v. State*, 125 Nev. 243, 259 & n.17, 212 P.3d 307, 318 & n.17 (2009), Williams failed to demonstrate multiple errors to cumulate, *see Burnside v. State*, 131 Nev. 371, 407, 352 P.3d 627, 651 (2015) (stating a claim of cumulative error requires multiple errors to cumulate). Therefore, we conclude the district court did not err by denying this claim without first conducting an evidentiary hearing. Accordingly, we

ORDER the judgment of the district court AFFIRMED.



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Tierra Danielle Jones, District Judge
Law Office of Jean J. Schwartz, Ltd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk