

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 83917

Electronically Filed
Jul 26 2022 10:26 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

EDWARD MICHAEL ADAMS,

Appellant,

v.

THE STATE OF NEVADA

Respondent.

Appeal from a Denial of a Petition for Writ of Habeas Corpus (Post-Conviction)
Eighth Judicial District Court, Clark County
The Honorable Nancy A. Becker, District Court Judge
District Court Case No. 08C241003

APPELLANT'S REPLY BRIEF

James A. Oronoz, Esq.
Nevada Bar No. 6769
Ornoz & Ericsson, LLC
9900 Covington Cross, Suite 290
Las Vegas, Nevada 89144
Telephone: (702) 878-2889
Facsimile: (702) 522-1542
jim@oronozlawyers.com
Attorney for Appellant

1 **I. NRAP 26.1 DISCLOSURE**

2 The undersigned counsel of record certifies that the following are persons
3 and entities as described in Nev. R. App. P. 26.1(a), and must be disclosed.
4
5 These representations are made in order that the judges of this Court may
6 evaluate possible disqualifications or recusal.

7 **NONE**

8 Attorney of Record for Edward Michael Adams:

9 /s/ James A. Oronoz
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III. ARGUMENT

I. *The District Court abused its discretion by not finding Trial Counsel ineffective for failing to interview Andre Randle prior to trial.*

In the Respondent's Answering Brief, the State misleadingly argued that the District Court appropriately found Trial Counsel effective, despite not interviewing an "unidentified witness" prior to trial. Respondent's Answering Brief ("RAB"), at 12. In order to evaluate this issue correctly, the Court must begin with an accurate rendition of the timeline.

Trial Counsel learned the name of the "unidentified witness" prior to trial. Trial Counsel provided Andre Randle's name to the defense investigator on October 22, 2009. AA I 0068. Trial began on November 2, 2009. AA I 0079. Given these undisputed dates, Mr. Adams respectfully requests that the Court consider this issue with the understanding that Mr. Randle was not an "unidentified witness." Trial Counsel and his investigator knew Mr. Randle's identity before the trial.

In 1984, the United States Supreme Court unequivocally iterated the standard for defense investigations: "[c]ounsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." *Strickland v. Washington*, 466 U.S. 668, 691, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984); *see also*, *State v. Love*, 109 Nev. 1136, 1138, 865 P.2d 322, 323 (1993). Courts do not require defense counsel to be "errorless,"

1 but Counsel must conduct “careful factual and legal investigations” to make
2 “informed decisions on his client’s behalf both at the pleading stage and at trial.”
3 *Rusling v. State*, 96 Nev. 755, 758, 616 P.2d 1108 (1980).

4 To challenge Counsel’s effectiveness in making trial decisions, a defendant
5 must demonstrate the following: 1) counsel’s performance fell below an objective
6 standard of reasonableness; and 2) counsel’s errors were so severe that they
7 rendered the verdict unreliable. *Strickland*, 466 U.S. at 690. In reviewing the
8 District Court’s findings of fact regarding the issues presented in Mr. Adams’
9 Petition and Supplement, this Court reviews the District Court’s determinations for
10 an abuse of discretion. *State v. Smith*, 131 Nev. 628, 630, 356 P.3d 1092, 1094
11 (2015).
12

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14 In the District Court habeas proceedings, Mr. Adams demonstrated that Trial
15 Counsel did not conduct an adequate investigation to make any sort of reasonable
16 decision or judgment call with respect to material witness Andre Randle. *See*,
17 *Strickland*, 466 U.S. at 691; *Jackson v. Warden, Nevada State Prison*, 91 Nev. 430,
18 433, 537 P.2d 473 (1975); Without holding an evidentiary hearing, the District
19 Court erroneously found Trial Counsel effective because Trial Counsel cross-
20 examined Detective Gabriel Lebario at trial regarding the failure to include Mr.
21 Randle’s information in the police report. AA V 1026. Contrary to the District
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1 Court's holding, cross-examining Detective Lebario did not diminish the need for a
2 thorough pretrial investigation.

3 In the Respondent's Answering Brief, the State argued that the District
4 Court did not abuse its discretion because Trial Counsel cross-examined Andre
5 Randle and because Trial Counsel met with Mr. Randle immediately before he
6 testified. RAB, at 19. According to the State, no prejudice ensued. This is simply
7 incorrect.
8

9 In support of its argument, the State asserted that Trial Counsel filed a
10 Motion to Dismiss on October 21, 2009, arguing that the State should produce the
11 "mystery witness." RAB, at 19. The State then argued, "By counsel filing this
12 motion prior to trial, he was objecting and challenging the fact that the State had
13 not produced Mr. Randle." RAB, at 20. Had Trial Counsel maintained the
14 objection by keeping the motion on the record, Counsel would have preserved the
15 issue. Instead, Trial Counsel withdrew the motion.
16

17 Counsel received Mr. Randle's name from the State by October 22, 2009.
18 *See*, AA V 989-990. Despite having received the name, Trial Counsel's file lacked
19 evidence of any real investigatory attempts to locate Mr. Randle before trial. Trial
20 Counsel had ample time to investigate or request a continuance of the trial to
21 determine the necessity of further investigation. Counsel knew the potential value
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1 of Mr. Randle’s testimony, but Counsel took no steps to continue the trial or locate
2 Mr. Randle.

3 On October 27, 2009, Trial Counsel withdrew the Motion to Dismiss. *See*,
4 AA V 991-994. Contrary to the State’s assertion, Trial Counsel did not *preserve*
5 the issue. Instead, he *withdrew* it. Unless the State is aware of some method of
6 preserving an issue by withdrawing an objection or motion, the State’s argument
7 lacks merit.

8 Next, the State argued that Counsel was effective because the prosecutor
9 “allowed counsel to not only cross-examine Mr. Randle but also speak with him
10 beforehand...” RAB, at 20. The State’s argument indicates a serious
11 misunderstanding of the claim.

12 Under *Brady v. Maryland*, 373 U.S. 83, 87, 83 S. Ct. 1194, 10 L. Ed. 2d 215
13 (1963), the law requires the prosecutor to provide the defense with material
14 evidence that is favorable to the accused upon request. This requirement could not
15 be more clear. As explained in Mr. Adams’ District Court habeas proceedings, the
16 Ninth Circuit has iterated that a Brady violation may be cured by disclosing the
17 evidence “at a time when disclosure would be of value to the accused.” *United*
18 *States v. Gamez-Orduno*, 235 F.3d 453, 461 (9th Cir. 2000); *Tennison v. City &*
19 *Cnty. of San Francisco*, 570 F.3d 1078, 1093 (9th Cir. 2009).

1 Mr. Adams recognizes that Trial Counsel spoke with Mr. Randle before his
2 testimony. Trial Counsel's brief conversation with Mr. Randle immediately prior
3 to his testimony did not cure the prejudice caused by the late disclosure. Trial
4 Counsel allowed the State to disclose and produce a material witness for trial at a
5 time when the material witness would not be of value to Mr. Adams. It does not
6 matter that Trial Counsel spoke with Mr. Randle a few minutes before he testified.
7 It does not matter that Trial Counsel cross-examined Mr. Randle. The real issues
8 are that Trial Counsel failed to locate and interview Mr. Randle before trial and
9 failed to request a continuance in order to interview Mr. Randle adequately.
10

11 Now, having explained the crux of Trial Counsel's errors, Mr. Adams asks
12 this Court to consider the District Court's abuse of discretion in not finding
13 prejudice to Mr. Adams. Had Trial Counsel simply objected and asked for a
14 continuance, Trial Counsel could have secured more time to prepare for the highly
15 crucial testimony. A continuance would have allowed Trial Counsel and the
16 investigator to interview Mr. Randle to determine the value of his testimony and
17 determine whether Mr. Randle could lead to any additional exculpatory evidence.
18 The kind of interview necessary to determine the value of a critical witness cannot
19 occur on the fly, mere minutes before the witness testifies. Of course, the Trial
20 Court could have denied a continuance, but based on the case law, Trial Counsel
21 should have at least asked for the continuance.
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1 Trial Counsel presented consent as the theory of defense at trial. To support
2 the defense theory, Trial Counsel cross-examined Detective Lebario about the
3 failure to preserve evidence related to Andre Randle. Based on the police report,
4 Mr. Randle did not observe Mr. Adams and Ms. Valles touching and did not
5 observe distress. Trial Counsel tried to set up the consent defense by cross-
6 examining Detective Lebario about the failure to preserve exculpatory evidence
7 during the police investigation.
8

9 When Trial Counsel learned that Mr. Randle would appear for trial, Trial
10 Counsel should have asked for a continuance to interview Mr. Randle properly.
11 Had Trial Counsel interviewed Mr. Randle thoroughly, Trial Counsel could have
12 reexamined the defense theory (or at least prepared for Mr. Randle's testimony
13 effectively). Requesting a continuance would have solved the problem and
14 prevented Trial Counsel from examining a crucial witness on the fly.
15

16 Because Trial Counsel did not request a continuance when the State
17 produced Mr. Randle at trial, Trial Counsel failed to protect Mr. Adams' rights to
18 due process and a fair trial. The District Court's findings to the contrary
19 constituted an abuse of discretion.
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21 Next, the State argued that Mr. Adams asserts that Counsel should have
22 "expended all resources to find this unidentified witness." RAB, at 20. The State
23 further argued that: "Moreover, it is utter speculation that Randle's testimony
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1 would have somehow been different at trial had counsel conducted a more in-
2 depth pre-trial interview of the witness when Appellant admits that Randle's
3 testimony was favorable to the defense. Trial counsel had time before Randle's
4 testimony to discuss his testimony with him and essentially have a pre-trial
5 interview." RAB, at 21.
6

7 The State has completely misrepresented Mr. Adams' claim. It is
8 indisputable that Trial Counsel had a duty to investigate and prepare for trial. Part
9 of preparing for trial is locating and interviewing material witnesses, if possible.
10 The record and case file are devoid of evidence that Trial Counsel made any efforts
11 to locate Mr. Randle after checking into the address provided by the State on
12 October 22, 2009. Mr. Adams has never argued that Trial Counsel should have
13 expended "all resources to find an unidentified witness," as the State suggested.
14 Instead, Mr. Adams argued that Trial Counsel should have done his job diligently
15 and made efforts to investigate the facts surrounding the *identified* material
16 witness.
17

18 As the facts clearly demonstrate, Trial Counsel failed as competent counsel
19 on two accounts. Trial Counsel failed to investigate and locate Mr. Randle upon
20 learning his identity. Next, Trial Counsel failed to request a continuance of the trial
21 when the State produced Mr. Randle as a witness. Both of these errors worked
22 against Mr. Adams and deprived him of his rights to due process and a fair trial.
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1 To summarize the issue and applicable facts, Trial Counsel did not
2 investigate and interview Andre Randle before trial. On October 21, 2009, eleven
3 days before trial, Trial Counsel filed a Motion to Dismiss the case because the
4 State did not provide material evidence (Mr. Randle's identity). On October 22,
5 2009, Trial Counsel learned Andre Randle's name. On October 27, 2009, without
6 having located Mr. Randle, Trial Counsel withdrew the Motion to Dismiss and
7 made an agreement for "leeway" while questioning Detective Gabriel Lebario. On
8 November 2, 2009, the parties proceeded to trial. On November 3, 2009, the State
9 alerted Trial Counsel that Mr. Randle would testify as a witness on November 4,
10 2009. AA III 610-611. Trial Counsel agreed to speak with Mr. Randle before his
11 testimony on November 3, 2009. AA III 611. Trial Counsel had no other contact
12 with Mr. Randle before he testified. Mr. Randle testified favorably for Mr. Adams.
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15 Had Trial Counsel conducted a pretrial investigation or objected to the late
16 disclosure and requested a continuance, he could have interviewed Mr. Randle and
17 investigated any additional leads that may have arisen. The issue here is not that
18 Trial Counsel should have objected to Andre Randle as a witness. The issue is that
19 Trial Counsel should have objected to the late disclosure and sought a remedy to
20 protect Mr. Adams' rights to due process and a fair trial.
21

22 By the last day of the trial when Mr. Randle testified, the jury had already
23 heard the majority of the evidence against Mr. Adams. Had Trial Counsel located
24

1 and interviewed Mr. Randle before trial, he could have cross-examined the other
2 witnesses more effectively and used Mr. Randle's testimony to corroborate the
3 cross-examinations.

4 At the very least, Trial Counsel should have requested a continuance of the
5 trial. Mr. Randle was such a crucial witness that a short pre-testimony interview
6 could not suffice. Trial Counsel could not have gained any valuable insight into
7 Mr. Randle's testimony or determined whether Mr. Randle could lead him to any
8 other exculpatory evidence. By interviewing Mr. Randle so quickly before his
9 testimony, Trial Counsel could not have prepared to examine Mr. Randle
10 effectively.
11

12 Lastly, the State mistakenly argued in the Answering Brief that Mr. Adams
13 was not prejudiced because Mr. Randle's testimony was favorable to the defense.
14 RAB, at 22. Undoubtedly, though, there is a reasonable probability that the result
15 of the trial would have been different had Counsel used Mr. Randle's testimony as
16 a foundation for the defense theory. Had Trial Counsel investigated and
17 interviewed Mr. Randle, it is reasonably probable that Counsel could have used
18 Mr. Randle's testimony to discredit the State's other witnesses.
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21 Accordingly, there is a reasonable probability that the result of the trial
22 would have been different had Trial Counsel located Mr. Randle before trial. At a
23 minimum, Trial Counsel should have requested a continuance to determine the
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1 value of Mr. Randle's testimony without being rushed. Trial Counsel's brief
2 discussion with Mr. Randle was not sufficient to protect Mr. Adams' rights to due
3 process and a fair trial. Therefore, Counsel was ineffective, and the District Court
4 should have reversed the conviction.

5
6 The District Court abused its discretion by not granting Mr. Adams a new
7 trial. At a minimum, the District Court should have granted Mr. Adams an
8 evidentiary hearing to allow him to question Trial Counsel about these issues. Mr.
9 Adams respectfully requests that this Court reverse the District Court's denial of
10 his claim and remand this case for an evidentiary hearing.

11 ***II. The District Court abused its discretion by not finding Defense Counsel***
12 ***was ineffective for allowing Juror No. 7 to remain on the jury because she***
13 ***knew the trial judge and one of the State's witnesses. Juror No. 7 was not***
14 ***a fair and impartial juror.***

15 In the District Court proceedings, the Court denied Mr. Adams' claim by
16 explaining that the record demonstrated that the juror could remain fair and
17 impartial. AA V 1024. For the reasons explained below, Mr. Adams respectfully
18 requests that this Court reverse the District Court's decision on this issue.

19 The District Court held that Mr. Adams has failed to demonstrate that Juror
20 No. 7 (aka Prospective Juror No. 156) was not fair and impartial. AA V 1025; AA
21 I 174-175, 195-196; AA II 533-534, 546-548. In support of its finding, the District
22 Court provided the trial transcript texts where Juror No. 7, Ms. Clayton, explained
23 that she would be fair and impartial. AA V 1022-1024. The District Court further
24

1 held that nothing in the record shows that “the juror could not remain fair and
2 impartial despite knowing Judge Barker and the State’s witness.” AA V 1024. In
3 response to Mr. Adams’ opening brief, the State argued that the District Court
4 properly denied the claim. RAB, at 23, 27.

5
6 Mr. Adams respectfully requests that this Court consider the negative
7 impact of Ms. Clayton’s jury service and reverse the District Court’s denial of this
8 claim.

9 Ms. Clayton, Juror No. 7, clearly stated on the record that she had a close
10 social relationship with the trial judge and knew one of the State’s witnesses.
11 Although Ms. Clayton disclosed the relationship, Trial Counsel did not question
12 her about her relationships with the judge and witness. Instead, Trial Counsel
13 relied on her representations to the judge and the prosecutor that she could be fair
14 and impartial. Consequently, the trial record only contains Ms. Clayton’s
15 representations to the judge and prosecutor because Trial Counsel did not even
16 attempt to explore her potential biases.

17
18 Trial Counsel caused a structural error in this case by not questioning Ms.
19 Clayton, Juror No. 7, and determining whether she could honestly be fair and
20 impartial to Mr. Adams. Trial Counsel took no measures to discern whether she
21 was actually suitable to sit on the jury. Ms. Clayton admitted that she had known
22 the trial judge socially for twenty (20) years, which should have prompted Trial
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1 Counsel to explore the nature of that relationship. AA I 95-96, 171. Additionally,
2 Ms. Clayton explained that she had been a former prosecutor at the Office of the
3 Attorney General and had worked there with the judge's wife. AA I 96, 171. This
4 should have raised red flags for Trial Counsel. Trial Counsel did not explore
5 whether Ms. Clayton could put aside her prosecutorial biases and consider the case
6 impartially.
7

8 When Trial Counsel questioned Ms. Clayton, he asked about her experience
9 at the Attorney General's office, asked about whether she would judge his
10 performance, and asked about whether she was going to "peek behind the curtains"
11 to find out more about the case than was presented at trial. AA I 211. Ms. Clayton
12 told Trial Counsel that his appearance and performance would not affect her ability
13 to judge the case. *Id.* When she answered about whether she would want to "peek
14 behind the curtains," and "think about what's going on at a bench conference," she
15 answered: "Well, I think I would be thinking about that, but I don't think it would
16 be –it's not a distraction." *Id.* She also told Trial Counsel that sitting on a jury
17 would be "a good experience" for teaching and that she hoped to be on a jury. *Id.*
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20 As for the State's witness, Shayla Joseph, Trial Counsel asked Ms. Clayton
21 if she would give Ms. Joseph's testimony more weight than other witnesses. AA III
22 547-548. This was the extent of his examination. He did not ask any other
23 questions to discern the nature of Ms. Clayton's ability to be fair and impartial.
24

1 Trial Counsel did not explore Ms. Clayton's relationship with the judge at
2 all. Essentially, Trial Counsel heard Ms. Clayton say that she could be fair and
3 impartial, without probing the issue. Simply saying the magic words does not
4 make a juror fair and impartial. Ms. Clayton even admitted that she would be
5 thinking about what was going on at the bench conferences and wanting to "peek
6 behind the curtains."

8 Trial Counsel should have challenged her ability to be unbiased. He knew
9 that she wanted to be on the jury. Ms. Clayton was an attorney who knew what
10 she would have to say to remain on the jury. Given the nature of her long-term
11 social relationship with the judge and his wife, her former occupation as a Deputy
12 Attorney General, and her having known witness Shayla Joseph, Counsel should
13 have challenged Ms. Clayton's ability to be fair and impartial and sought her
14 removal from the jury.
15

16 Therefore, Trial Counsel was ineffective for failing to challenge Ms.
17 Clayton's biases. Trial Counsel caused a structural error by failing to protect Mr.
18 Adams' right to a fair and impartial jury. Trial Counsel's failure caused Mr. Adams
19 to proceed to trial with a juror who could not have been impartial. Trial Counsel
20 completely failed to challenge the juror's bias and ability to sit on the jury. Thus,
21 the District Court should have found that Trial Counsel caused a structural error by
22 failing to protect Mr. Adams' constitutional right to a fair and impartial jury.
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1 Additionally, the District Court erred by denying this claim without granting
2 an evidentiary hearing. This claim should have been explored fully in an evidentiary
3 hearing. Accordingly, Mr. Adams respectfully requests that this Court reverse the
4 denial of his claim and remand this case for an evidentiary hearing.

5
6 ***III. The District Court abused its discretion by finding that Mr. Adams' proper claims were barred because they were not raised on direct appeal.***

7 The District Court erred by finding that Mr. Adams' claims were not properly
8 raised in his petition for writ of habeas corpus because they should have been raised
9 on direct appeal. AA V 1030-1031. In the State's Answering Brief, the State argued
10 that the District Court correctly denied the claims. RAB, at 27.

11 The District Court's reasoning is incorrect. Nevada's post-conviction statute
12 does not prohibit all post-conviction habeas claims except "challenges to the
13 validity of a guilty plea" and "claims of ineffective assistance of trial and appellate
14 counsel." See, RAB, at 28.

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16 Instead, NRS 34.724 provides:

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18 (1) Any person convicted of a crime and under sentence of death or
19 imprisonment who claims that the conviction was obtained, or that
20 the sentence was imposed, in violation of the Constitution of the
21 United States or the Constitution or laws of this State, or who claims
22 that the time the person has served pursuant to the judgment of
23 conviction has been improperly computed, may, without paying the
24 filing fee, file a postconviction petition for writ of habeas corpus to
obtain relief from the conviction or sentence or to challenge the
computation of time that the person has served.

1 The statutory language is clear. A petitioner may challenge an
2 unconstitutional conviction. NRS 34.724 does not limit post-conviction claims to
3 “claims or ineffective assistance of counsel.” Ineffective assistance of counsel is
4 simply one constitutional collateral challenge to a conviction. However, it is not the
5 only permissible challenge. NRS 34.724 does not bar other types of
6 constitutionally-based post-conviction claims.
7

8 In the Answering Brief, the State cited *Franklin v. State*, 110 Nev. 750, 752,
9 877 P.2d 1058, 1059 (1994), *disapproved of by Thomas v. State*, 115 Nev. 148, 979
10 P.2d 222 (1999), to propose that claims that do not involve either a challenge to the
11 validity of a guilty plea or ineffective assistance of counsel must be filed on direct
12 appeal. In *Franklin*, 110 Nev. 750, this Court dealt with a case wherein the
13 petitioner filed a post-conviction petition for habeas corpus because his plea counsel
14 did not inform him of his ability to file a direct appeal. The Court also provided
15 examples of situations where a defendant who pleaded guilty would need to appeal
16 from his judgment of conviction and would be able to do so under Nevada law. The
17 *Franklin*, 110 Nev. 750 case *did not* provide that ineffective assistance of counsel
18 is the *only* constitutional challenge to a conviction as the State suggests. NRS
19 34.724 expressly permits a petitioner to challenge a conviction that violates the
20 Constitution of the United States or the Constitution of Nevada.
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1 In the District Court proceedings, Mr. Adams raised several claims that
2 challenge the constitutionality of his conviction under the Fifth, Sixth, Eighth, and
3 Fourteenth Amendments to the United States Constitution. Despite properly raising
4 the claims, the District Court erroneously dismissed the claims as waived.¹

5
6 Mr. Adams requests that this Court reverse the District Court's dismissal of
7 each of the claims. Mr. Adams raised claims of constitutional magnitude that
8 required consideration at the District Court level. Mr. Adams further requests that
9 this Court remand the proceedings for the District Court to issue an individualized
10 ruling on the merits of each of the separate claims raised in Mr. Adams' petition
11 and supplement pursuant to *Byford v. State*, 123 Nev. 67, 69, 156 P.3d 691 (2007);
12 NRS 34.830.

13
14 ***IV. The District Court erred in not granting Mr. Adams an evidentiary***
15 ***hearing.***

16 The District Court did not grant Mr. Adams an evidentiary hearing before
17 denying the claims. In the Answering Brief, the State argued that the District Court
18 did not abuse its discretion in denying the claims without an evidentiary hearing.

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22 ¹ In the Respondent's Answering Brief, the State argued that Mr. Adams' claims
23 numbers five and six are barred by the law of the case doctrine. RAB, at 29. This
24 argument does not appear to have been raised in the District Court proceedings. As
the District Court made no law of the case findings regarding claims five and six,
Mr. Adams respectfully requests that this Court disregard these arguments.

1 The State asserted that there was no reason to expand the record because Mr.
2 Adams' claims were "not cognizable in a post-conviction petition and Petitioner
3 fails to present specific factual allegations that would entitle him to relief." RAB,
4 at 30-31, citing *Marshall v. State*, 110 Nev. 1328, 1331, 885 P.2d 603, 605 (1994).
5

6 The State's argument is incorrect. Mr. Adams raised claims before the
7 District Court in both his Petition and Supplemental Petition that should have
8 entitled him to relief. The District Court, at the very least, should have granted an
9 evidentiary hearing to allow Mr. Adams to present evidence in support of his claims
10 as allowed by NRS 34.770(1). The District Court abused its discretion by rejecting
11 the request for an evidentiary hearing.
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13 Therefore, Mr. Adams respectfully requests that this Court reverse the
14 District Court's denial of his claims and remand the case for an evidentiary hearing.

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Respectfully submitted this 26th day of July 2022.

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I further certify that this brief complies with the type volume limitations of NRAP 32(a)(7) because it is proportionately spaced, has a typeface of 14 points or more, and contains 4096 words. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Respectfully submitted,

By: /s/ James A. Oronoz
JAMES A. ORONOZ, ESQ.
Nevada Bar No. 6769
Attorney for Appellant

1 **XIV. CERTIFICATE OF SERVICE**

2 I hereby certify and affirm that this document was filed electronically with
3 the Nevada Supreme Court on July 26, 2022. Electronic Service of the foregoing
4 document shall be made in accordance with the Master Service List as follows:
5

6 AARON FORD
Nevada Attorney General

7 STEVEN B. WOLFSON
8 Clark County District Attorney

9 JONATHAN E. VANBOSKERCK
10 Chief Deputy District Attorney

11 By /s/ Jan Ellison
 Oronoz & Ericsson, LLC