

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JA'MAAL ZINNERMAN-LITTLE,  
Appellant,  
vs.  
THE STATE OF NEVADA; AND BRIAN  
WILLIAMS, WARDEN,  
Respondents.

No. 78781-COA

FILED

JUN 05 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Ja'maal Zimmerman-Little appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; James M. Bixler, Senior Judge.

Zimmerman-Little argues the district court erred by denying his claims of ineffective assistance of counsel raised in his January 19, 2019, petition. To prove ineffective assistance of counsel sufficient to invalidate a judgment of conviction based on a guilty plea, a petitioner must demonstrate his counsel's performance was deficient in that it fell below an objective standard of reasonableness, and resulting prejudice such that there is a reasonable probability, but for 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 must be shown. *Strickland v. Washington*, 466 U.S. 668, 697 (1984).

First, Zinnerman-Little claimed his counsel was ineffective for coercing him into pleading guilty by telling him he would only receive a sentence of three to eight years in prison because counsel was friendly with the sentencing judge. In the written plea agreement, which Zinnerman-Little acknowledged having read, Zinnerman-Little was informed of the possible range of sentences he faced by entry of his guilty plea. Zinnerman-Little acknowledged in the written plea agreement that he had not been promised a particular sentence and he did not act under duress, coercion, or due to any promises of leniency. In light of the written plea agreement, Zinnerman-Little failed to demonstrate his counsel's performance fell below an objective standard of reasonableness or a reasonable probability he would have refused to plead guilty and would have insisted on proceeding to trial had counsel performed different actions. Therefore, we conclude the district court did not err by denying this claim.<sup>1</sup>

Second, Zinnerman-Little claimed his counsel was ineffective for failing to file a motion seeking to disqualify the prosecuting attorney from this case because that attorney resided in the neighborhood where the crimes occurred. However, Zinnerman-Little did not explain how this issue had any bearing upon his decision to enter a guilty plea. Thus, Zinnerman-Little failed to raise a claim supported by specific factual allegations that

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<sup>1</sup>To the extent Zinnerman-Little raises a separate claim on appeal that the sentencing court judge should have been disqualified from his case because of a friendly relationship with Zinnerman-Little's counsel, he did not raise this claim in his petition and we decline to consider it in the first instance on appeal. See *McNelson v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999)

