

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAFRETO DEMETRIUS COLLINS,
A/K/A LAFRETO DEMETRIUS
GOLLINS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80659-COA

FILED

OCT 21 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Lafreto Demetrius Collins appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on February 3, 2017, and a supplemental petition filed on January 22, 2019. Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

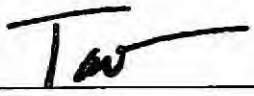
Collins contends the district court erred by denying his claim of ineffective assistance of trial counsel. To demonstrate ineffective assistance of trial counsel, a petitioner must show counsel's performance was deficient in that it fell below an objective standard of reasonableness and prejudice resulted 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, *Strickland*, 466 U.S. at 687, and the petitioner must demonstrate the underlying facts by a preponderance of the evidence, *Means v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). 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).

Collins argued counsel improperly advised him to not accept a favorable plea offer. The district court found that counsel informed Collins of multiple plea offers and attempted to persuade Collins of the favorable terms. These findings are supported by substantial evidence in the record. At the evidentiary hearing on this petition, counsel testified that he told Collins the terms in the offer were favorable and that he did not like the odds of going to trial. Counsel testified that he advised Collins of the "insurmountable evidence against him." After receiving counsel's advice, Collins told the trial court that he did not want to accept the State's offer of a recommended sentence of two to five years in prison, and he proceeded to trial. Thus, Collins failed to demonstrate counsel's advice fell below an objective standard of reasonableness or a reasonable probability of a different outcome had counsel advised differently. Therefore, we conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Dept. 19
Nguyen & Lay
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk