

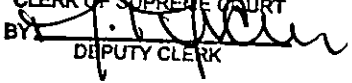
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHASE THOMAS WELLS,  
Appellant,  
vs.  
CALVIN JOHNSON, WARDEN; AND  
THE STATE OF NEVADA,  
Respondents.

No. 88954-COA

FILED

MAY 06 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Chase Thomas Wells appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on May 12, 2022. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

In his petition, Wells claimed, among other things, that trial-level counsel was ineffective for coercing Wells into pleading guilty by telling Wells that counsel would not defend his “losing case” if it went to trial and instead Wells would be “on his own.” The district court initially denied Wells’ petition without conducting an evidentiary hearing on any of the claims raised therein. On appeal, this court reversed the denial of Wells’ coercion claim and remanded the matter for an evidentiary hearing.<sup>1</sup> See *Wells v. Johnson*, No. 85449-COA, 2023 WL 3990560, at \*1 (Nev. Ct. App. June 13, 2023) (Order Affirming in Part, Reversing in Part and Remanding). On remand, and after conducting an evidentiary hearing, the

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<sup>1</sup>This court affirmed the denial of all other claims raised; thus, we do not consider them in this appeal.

district court again denied Wells' petition. Wells argues the district court erred by denying his remaining claim of ineffective assistance of counsel.

To demonstrate ineffective assistance of counsel sufficient to invalidate a judgment of conviction based on a guilty plea, a petitioner must show counsel's performance was deficient in that it fell below an objective standard of reasonableness and prejudice resulted in that, but for counsel's errors, there is a reasonable probability the 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, 987-88, 923 P.2d 1102, 1107 (1996). Both components of the inquiry must be shown, *Strickland v. Washington*, 466 U.S. 668, 687 (1984), 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).

The district court found counsel did not refuse to put on a defense for trial and did not coerce Wells into entering his guilty plea. These findings are supported by substantial evidence. At the evidentiary hearing, counsel testified that he did not tell Wells he would not put on a defense if Wells went to trial and that he had previously gone to trial on what he felt were "loser" cases because the client wanted to go to trial. Counsel also testified that he was not sure he had referred to Wells' case as a "loser case," but that he might have told Wells he would not prevail if he went to trial. Counsel's candid advice about the potential outcome of a trial was not evidence of coercion. *See Dezzani v. Kern & Assocs., Ltd.*, 134 Nev. 61, 69,

412 P.3d 56, 62 (2018) (noting that one of the roles of an attorney is to provide candid advice to his or her client); *cf. Stevenson v. State*, 131 Nev. 598, 604, 354 P.3d 1277, 1281 (2015) (“[U]ndue coercion occurs when a defendant is induced by promises or threats which deprive the plea of the nature of a voluntary act.” (internal quotation marks omitted)).

Moreover, the district court found that Wells affirmed he had entered his plea voluntarily in the guilty plea agreement and that Wells had advised the trial-level court he was entering his plea freely and voluntarily at the plea canvass. These findings are also supported by substantial evidence<sup>2</sup> and indicate Wells was not coerced into entering his plea. *See Molina v. State*, 120 Nev. 185, 191, 87 P.3d 533, 537 (2004) (“A thorough plea canvass coupled with a detailed, consistent, written plea agreement supports a finding that the defendant entered the plea voluntarily, knowingly, and intelligently.” (quotation marks omitted)).

Wells contends his “account of what happened should carry more weight” because counsel merely testified as to what counsel “usually does in cases, and not what specifically happened in this case.” However, this court will not “evaluate the credibility of witnesses because that is the responsibility of the trier of fact.” *Mitchell v. State*, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008). In light of the foregoing, Wells failed to demonstrate counsel was deficient or a reasonable probability he would not have pleaded


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<sup>2</sup>Wells fails to include the transcript from his plea canvass in his appendix. Thus, we presume this transcript supports the district court’s decision. *See Greene v. State*, 96 Nev. 555, 558, 612 P.2d 686, 688 (1980) (“The burden to make a proper appellate record rests on appellant.”); *see also Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) (“When an appellant fails to include necessary documentation in the record, we necessarily presume that the missing portion supports the district court’s decision.”).

guilty and would have insisted on going to trial but for counsel's errors. 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.  
Bulla

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Tierra Danielle Jones, District Judge  
Law Office of Amanda Pellizzari, LLC  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk