

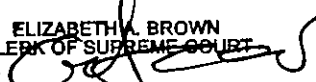
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SEAN PATRICK TAYLOR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88975-COA

FILED

MAY 21 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Sean Patrick Taylor appeals a district court order denying a postconviction petition for a writ of habeas corpus filed on March 31, 2023, and a supplemental petition filed on September 1, 2023. Third Judicial District Court, Lyon County; John Schlegelmilch, Judge.

Taylor argues the district court erred in denying claims of ineffective assistance of counsel. To demonstrate ineffective assistance of 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*). To demonstrate prejudice regarding the decision to enter a guilty plea, a petitioner must show a reasonable probability that, 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—deficiency and prejudice—must be shown. *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).

First, Taylor argues counsel was ineffective for failing to present mitigating evidence at his sentencing hearing about a cranial cyst and its impact on his behavior.

The district court conducted an evidentiary hearing on Taylor's petition where Taylor and counsel testified. It concluded that counsel made a strategic decision to not make this argument and that Taylor failed to demonstrate prejudice. This conclusion is supported by the record. Taylor's cyst was described in evaluations from Lake's Crossing. Although those evaluations noted that Taylor was anxious about the cyst, the evaluations did not find that the cyst affected Taylor's mental health or cognitive function. Counsel testified at the evidentiary hearing that, given these findings, he did not want to undermine his own credibility at sentencing by arguing this point. Counsel's decision was a strategic one, and Taylor failed to demonstrate extraordinary circumstances sufficient to challenge counsel's strategy at sentencing. *See Lara v. State*, 120 Nev. 177, 180, 87 P.3d 528, 530 (2004) ("[T]rial counsel's strategic or tactical decisions will be virtually unchallengeable absent extraordinary circumstances."). Although Taylor testified the cyst caused headaches and irritability, he did not provide any medical evidence refuting the evaluations' conclusions. In addition, given the aforementioned evidence about the cyst, Taylor failed to demonstrate that additional argument asserting it affected his behavior would have a reasonable probability of affecting the outcome of the sentencing hearing. Therefore, we conclude the district court did not err in denying this claim.

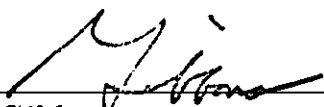
Second, Taylor asserts counsel's promise that he would receive probation rendered his guilty plea invalid. He contends that, had counsel not guaranteed that the district court would impose probation and had counsel reviewed the discovery with him, in particular the bodycam footage and voicemails, he would not have pleaded guilty and would have insisted on going to trial.


The district court concluded Taylor failed to present evidence showing that counsel performed deficiently or that he was prejudiced. This conclusion is supported by substantial evidence. Taylor acknowledged during the plea agreement and plea canvass that, no matter what the parties agreed to or argued, the district court retained discretion to sentence Taylor to any legal sentence, including a term of imprisonment. Taylor testified that counsel was certain Taylor would be sentenced to probation, but later Taylor testified that counsel felt certain he would *argue* for probation. Based on this conflicting testimony, the district court found Taylor was not credible, and 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 contrast, counsel testified he told Taylor he would argue for probation—which he did—but counsel could not guarantee Taylor that he would receive probation. Although counsel acknowledged not reviewing the entirety of the discovery evidence with Taylor, counsel presented Taylor with a condensed summary and Taylor admitted during the plea canvass that there was a factual basis for the guilty plea based on 134 threatening voicemail messages he left. Accordingly, Taylor did not demonstrate that counsel performed deficiently in advising him about the consequences of his plea or the strength of evidence against him, nor that he would have insisted on going to trial but

for this purported deficient performance. Therefore, we conclude that 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. John Schlegelmilch, District Judge
Karla K. Butko
Attorney General/Carson City
Lyon County District Attorney
Third District Court Clerk