

SUPREME COURT OF NEVADA

Dwight Neven and State of Nevada v. Mia Christman

Warden v. Christman · No. 83572 · Decided August 11, 2022

SUMMARY

The Nevada Supreme Court reversed and remanded a district court order granting Mia Christman postconviction habeas relief based on ineffective assistance of counsel at sentencing. The court held that counsel’s sentencing strategy was not objectively unreasonable and that Christman failed to demonstrate a reasonable probability of a different sentencing outcome.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Per curiam; Justice Parraguirre; Justice Silver; Senior Justice Mark Gibbons
JURISDICTION	Nevada
DECIDED	August 11, 2022
DOCKET	83572
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State of Nevada appealed from a district court order granting Christman's state postconviction petition for a writ of habeas corpus based on ineffective assistance of counsel at sentencing.
STANDARD OF REVIEW	The court defers to district court factual findings supported by substantial evidence and not clearly wrong, but reviews the application of law to those facts de novo.
PRECEDENTIAL VALUE	Published Nevada Supreme Court opinion according to the provided metadata.
PARTIES	Dwight Neven, State of Nevada v. Mia Christman

TOPICS

- state post-conviction relief
- ineffective assistance
- sentencing
- habeas corpus
- appellate procedure

PRACTICE AREAS

- criminal postconviction
- ineffective assistance of counsel
- sentencing

QUESTIONS PRESENTED

1. Whether sentencing counsel performed deficiently by failing to investigate and present evidence of Christman's PTSD and history of trauma.
2. Whether Christman established prejudice through a reasonable probability of a different sentencing outcome.
3. Whether the district court's factual findings concerning Christman's PTSD, trauma, failures to appear, and counsel's preparation were supported by the record.

HOLDINGS

1. Christman failed to show that counsel's performance was objectively unreasonable. Counsel made a reasonable strategic choice to focus on explaining Christman's failures to appear and to have her speak personally at sentencing, and the omission of an exhaustive investigation into her past was not unreasonable under the circumstances.
2. Christman failed to demonstrate a reasonable probability of a different sentencing outcome, even assuming deficient performance and extraordinary circumstances sufficient to challenge counsel's strategy.
3. The district court clearly erred in several findings, including that Christman was operating in a PTSD-related survival mode, that PTSD and trauma caused her second failure to appear, and that counsel failed to prepare her to speak.

KEY QUOTATIONS

“To demonstrate ineffective assistance of counsel, a petitioner must show that counsel’s performance was deficient in that it fell below an objective standard of reasonableness and that prejudice resulted in that there was a reasonable probability of a different outcome absent counsel’s errors.” (at 2)

“The district court disregarded the strong presumption that counsel exercised reasonable strategic judgment.” (at 3)

“The district court therefore erred in concluding that counsel performed deficiently.” (at 5)

FACTUAL BACKGROUND

Christman pleaded guilty and, during the proceedings, twice received release on her own recognizance and twice failed to appear, returning only under bench warrants. At sentencing, counsel determined that the failures to appear were the most critical issue and pursued a strategy of having Christman personally explain the circumstances to the sentencing judge while also emphasizing her minimal criminal history. Counsel did not investigate or present additional evidence concerning Christman's PTSD and childhood trauma, and the sentencing judge testified that the additional mitigating information would not likely have changed the sentence.

PROCEDURAL HISTORY

Christman pleaded guilty and was sentenced after twice being released on her own recognizance and twice failing to appear. The Eighth Judicial District Court, Clark County, held an evidentiary hearing and granted her

postconviction habeas petition, concluding that sentencing counsel was ineffective for failing to investigate and present evidence concerning Christman's PTSD and trauma. The Nevada Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter was remanded to the district court for proceedings consistent with the order.

CASES CITED

- Strickland v. Washington, 466 U.S. 668, 687-88, 690-91, 697 (1984)
- Warden v. Lyons, 100 Nev. 480, 432-33, 683 P.2d 504, 505 (1984)
- Gonzales v. State, 137 Nev., Adv. Op. 40, 492 P.3d 556, 562 (2021)
- Means v. State, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004)
- Lader v. Warden, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005)
- Lara v. State, 120 Nev. 177, 180, 87 P.3d 528, 5380 (2004)
- Morris v. Slappy, 461 U.S. 1, 14 (1983)
- Williams v. Head, 185 F.3d 1223, 1237 (11th Cir. 1999)