NOT FOR PUBLICATION

FILED

JUL 11 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAMES ANTHONY DAVIS, Petitioner - Appellee, v. BRIAN WILLIAMS; ATTORNEY GENERAL OF THE STATE OF NEVADA, Respondents - Appellants.	No. 23-2399 D.C. No. 2:15-cv-01574-RFB-NJK MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Richard F. Boulware, II, District Judge, Presiding

Argued and Submitted March 7, 2025
Las Vegas, Nevada

Before: RAWLINSON, MILLER, and DESAI, Circuit Judges.

Respondents/Appellants Brian Williams and the Attorney General of the State of Nevada (Appellants) appeal from the district court's grant of James Anthony Davis (Davis)'s petition for a writ of habeas corpus. We reverse.

Under the Antiterrorism and Effective Death Penalty Act, "habeas relief may

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

not be granted unless the state court's decision was: (1) contrary to, or involved an unreasonable application of, clearly established Federal law . . . or (2) based on an unreasonable determination of the facts in light of the evidence presented in the state court proceeding." *Ochoa v. Davis*, 50 F.4th 865, 876 (9th Cir. 2022) (citation, alteration, and internal quotation marks omitted).

1. The Nevada Supreme Court's decision that Davis was competent to plead guilty was not an unreasonable application of federal law or based on an unreasonable determination of facts. *See Cullen v. Pinholster*, 563 U.S. 170, 181 (2011). The standard for competence to plead guilty is the same as for competence to stand trial. It asks whether the defendant has a "sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and has a rational as well as factual understanding of the proceedings against him." *Godinez v. Moran*, 509 U.S. 389, 396, 398-99 (1993) (citations and internal quotation marks omitted).

Davis's counsel in the state court proceedings unwaveringly maintained that Davis was competent to plead guilty and that Davis understood the nature of the proceedings against him. Davis's counsel on direct appeal was of the same opinion. *See Stanley v. Cullen*, 633 F.3d 852, 861 (9th Cir. 2011) (explaining that "a defendant's counsel is in the best position to evaluate a client's comprehension of the proceedings") (citation omitted). The state trial court also found that Davis

understood the nature of the offense and the consequences of his plea, and did not entertain any doubts regarding Davis's competency. *See id*. Although Davis's childhood records indicate that he had a borderline intellectual disability and mental illness, "fairminded jurists could disagree" on whether Davis was competent to plead guilty. Thus, we must uphold the Nevada Supreme Court's decision. *Harrington v. Richter*, 562 U.S. 86, 101 (2011) (citation omitted); *see also Marks v. Davis*, 106 F.4th 941, 971-73 (9th Cir. 2024) (holding that despite evidence of defendant's delusional beliefs and incoherent trial testimony, state court's rejection of the defendant's competency claim was not "so obviously wrong that its error [lay] beyond any possibility for fairminded disagreement") (citation omitted).

2. "In addition to determining that a defendant who seeks to plead guilty . . . is competent, a trial court must satisfy itself that the waiver of his constitutional rights is knowing and voluntary. . . ." *Godinez*, 509 U.S. at 400 (citations omitted). The Nevada Supreme Court's decision that Davis knowingly and voluntarily pled guilty was reasonable. *See Brady v. United States*, 397 U.S. 742, 749 (1970). Davis signed the guilty plea agreement, was canvassed regarding his guilty plea, and was found by the state trial and appellate courts to have understood the charge and the consequences of his plea. *See Blackledge v. Allison*, 431 U.S. 63, 74 (1977) (explaining that a defendant's "[s]olemn declarations in open court carry a

strong presumption of verity" and "any findings made by the judge accepting the plea, constitute a formidable barrier in any subsequent collateral proceedings").

3. Davis contends that his trial counsel rendered constitutionally deficient performance when he failed to make reasonable investigations into Davis's mental state and obtain Davis's mental health treatment records. Davis does not need a certificate of appealability for this alternative claim because it does not seek to expand his rights or diminish Appellant's rights under the district court's judgment in his favor. *See Jennings v. Stephens*, 574 U.S. 271, 283 (2015). We therefore review this claim on the merits.

"[C]ounsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary. . . ." *Strickland v. Washington*, 466 U.S. 668, 691 (1984). Davis's trial attorney had significant defense experience and was aware of his office's process for obtaining competency evaluations for clients. Davis's attorney did not seek a competency evaluation because he "had absolutely no doubt that [Davis] was competent" based on his ability to talk with Davis about his case and what was going on. *See Wiggins v. Smith*, 539 U.S. 510, 523 (2003) (explaining that the reasonableness of counsel's investigation must be considered "from counsel's perspective at the time") (citation omitted). Additionally, Davis's counsel was wary of damaging information that might be contained in the mental health records. The strategic

choice not to conduct further investigation into these records was reasonable. *See Williams v. Watford*, 384 F.3d 567, 611 (9th Cir. 2004), *as amended*.

REVERSED.