

IN THE SUPREME COURT OF THE STATE OF NEVADA

DWIGHT D. BROWN A/K/A DWIGHT
DEEVAR BROWN A/K/A DWIGHT
DEVAR BROWN A/K/A DWIGHT
DEBARRA BROWN,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 44421

FILED

MAR 22 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant Dwight Brown's motion to withdraw his guilty plea and motion for appointment of counsel. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge.

On October 8, 2004, the district court convicted Brown, pursuant to a guilty plea, of making false statements or representations to attempt to obtain benefits. The district court sentenced Brown to a term of twelve to thirty-four months in the Nevada State Prison. Brown did not appeal.

On November 9, 2004, Brown filed a motion to dismiss counsel and appoint alternate counsel, and a motion to withdraw his guilty plea. The State filed an opposition. On December 9, 2004, the district court granted Brown's request to dismiss counsel, but denied his motion to

appoint alternate counsel. The district court additionally denied Brown's motion to withdraw his guilty plea. This appeal followed.¹

A guilty plea is presumptively valid, and a defendant carries the burden of establishing that the plea was not entered knowingly and intelligently.² In determining the validity of a guilty plea, this court looks to the totality of the circumstances.³ After the imposition of a sentence, the district court will allow the withdrawal of a guilty plea only to correct a manifest injustice.⁴ This court will not reverse a district court's determination concerning the validity of a plea absent a clear abuse of discretion.⁵

In support of his motion, Brown contended that he is innocent of the charge to which he pleaded guilty. However, Brown acknowledged his guilt in open court, and he provided absolutely no facts in his motion to support a claim of innocence. Brown further argued that his counsel was ineffective at the time he entered his plea. Once again, however, Brown did not support this claim with any specific facts or articulate how his counsel's performance was deficient. Because Brown failed to demonstrate

¹We conclude that the district court did not err in denying Brown's motion to appoint alternate counsel.

²Bryant v. State, 102 Nev. 268, 721 P.2d 364 (1986); see also Hubbard v. State, 110 Nev. 671, 877 P.2d 519 (1994).

³State v. Freese, 116 Nev. 1097, 13 P.3d 442 (2000); Bryant, 102 Nev. 268, 721 P.2d 364.


⁴See NRS 176.165.

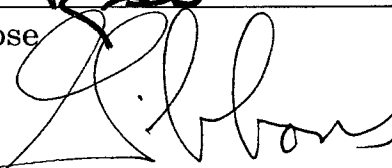
⁵Hubbard, 110 Nev. at 675, 877 P.2d at 521.

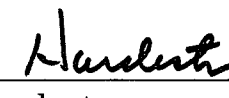
that permitting him to withdraw his plea is necessary to correct a manifest injustice, the district court did not err in denying his motion.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that Brown is not entitled to relief and that briefing and oral argument are unwarranted.⁶ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Joseph T. Bonaventure, District Judge
Dwight D. Brown
Attorney General Brian Sandoval/Las Vegas
Clark County Clerk

⁶See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).