

IN THE SUPREME COURT OF THE STATE OF NEVADA

JILANI TRABENSI,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 44715

**FILED**

MAY 19 2005

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
By *J. R. [Signature]*  
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant Jilani Trabensi's motion to withdraw his guilty plea. Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge.

On December 29, 2003, the district court convicted Trabensi, pursuant to a guilty plea, of attempted grand larceny auto. The district court sentenced Trabensi to serve a term of twelve to forty-eight months in the Nevada State Prison. Trabensi's sentence was imposed to run concurrently to his sentence in district court case number C193702. Trabensi did not file a direct appeal.

On November 12, 2004, Trabensi filed a motion to withdraw his guilty plea. The State opposed the motion. On January 24, 2005, the district court denied Trabensi's motion. This appeal followed.

After the imposition of a sentence, the district court will allow the withdrawal of a guilty plea only to correct a manifest injustice.<sup>1</sup> A guilty plea is presumptively valid, and Trabensi carries the burden of

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<sup>1</sup>NRS 176.165.

establishing that his plea was not entered knowingly and intelligently.<sup>2</sup> In determining the validity of a guilty plea, this court looks to the totality of the circumstances.<sup>3</sup> This court will not reverse a district court's determination concerning the validity of a plea absent a clear abuse of discretion.<sup>4</sup>

In his motion, Trabensi contended that his guilty plea was unknowingly entered because he pleaded guilty to the same offense to which he previously pleaded guilty in district court case number C193702. Specifically, Trabensi argued that in both cases, he pleaded guilty to the attempted grand larceny of a 1999 Ford van bearing Nevada license plate 234EKK.

A review of the record reveals that Trabensi pleaded guilty to the attempted grand larceny of the Ford van in district court case number C193702. Thereafter, Trabensi pleaded guilty to the attempted grand larceny of a 2001 Dodge Dakota in the instant case. It appears that the original information filed in the instant case mistakenly listed the wrong vehicle—it provided that Trabensi attempted to steal the 1999 Ford van rather than the 2001 Dodge Dakota. However, the State filed an amended information at the time Trabensi entered his guilty plea, which correctly provided that he attempted to steal a 2001 Dodge Dakota. The amended information was attached to the written guilty plea agreement, which

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<sup>2</sup>Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986); see also Hubbard v. State, 110 Nev. 671, 877 P.2d 519 (1994).


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

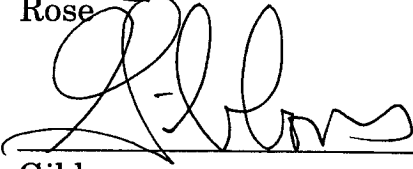
<sup>4</sup>Hubbard, 110 Nev. at 675, 877 P.2d at 521.

Trabensi signed. We therefore conclude that Trabensi failed to establish that permitting him to withdraw his guilty plea is necessary to correct a manifest injustice, and 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 Trabensi is not entitled to relief and that briefing and oral argument are unwarranted.<sup>5</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>6</sup>

  
\_\_\_\_\_, J.  
Rose

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

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Stewart L. Bell, District Judge  
Jilani Trabensi  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>5</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

<sup>6</sup>We have reviewed all documents that Trabensi has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted.