

IN THE SUPREME COURT OF THE STATE OF NEVADA

HONEYBEAR HOOVER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45357

FILED

JAN 19 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of being a principal to robbery with the use of a deadly weapon. Second Judicial District Court, Washoe County; Jerome Polaha, Judge. The district court sentenced appellant to a prison term of 24 to 60 months with an equal and consecutive term for the deadly weapon enhancement.

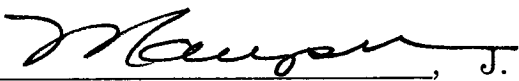
Appellant contends that the district court erred by denying her pre-sentencing motion to withdraw her guilty plea. "A district court may, in its discretion, grant a defendant's [presentence] motion to withdraw a guilty plea for any 'substantial reason' if it is 'fair and just.'"¹ In considering whether a defendant has "advanced a substantial, fair, and just reason to withdraw a [guilty] plea, the district court must consider the totality of the circumstances to determine whether the defendant entered the plea voluntarily, knowingly, and intelligently."²

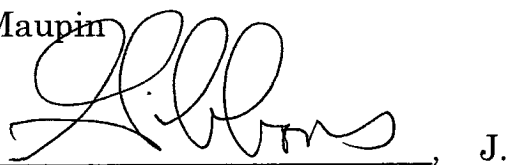
¹Woods v. State, 114 Nev. 468, 475, 958 P.2d 91, 95 (1998) (quoting State v. District Court, 85 Nev. 381, 385, 455 P.2d 923, 926 (1969)); see also NRS 176.165.

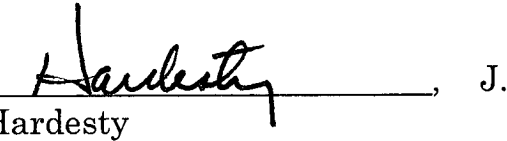
²Crawford v. State, 117 Nev. 718, 722, 30 P.3d 1123, 1125-26 (2001).

In this case, the district court found that appellant's plea was validly entered, based on the totality of the circumstances. We conclude that appellant has not demonstrated that the district court clearly abused its discretion.³ Accordingly, we

ORDER the judgment of conviction AFFIRMED.

 J.

Maupin
 J.

Gibbons
 J.

cc: Hon. Jerome Polaha, District Judge
Bruce D. Voorhees
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

³Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986) (holding that this court presumes that the lower court correctly assessed the validity of the plea, and that the lower court's determination will not be overturned absent a clear showing of an abuse of discretion).