

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES WALKER, AKA CHARLES
ANTHONY WALKER,

Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

CHARLES WALKER, AKA CHARLES
ANTHONY WALKER,

Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

No. 46389

FILED

MAY 19 2006

HANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

No. 46391

ORDER OF AFFIRMANCE

These are consolidated appeals from two separate judgments of conviction. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge.

Pursuant to plea agreements in two different cases, the district court convicted appellant Charles Walker of five counts of conspiracy to commit robbery, five counts of robbery with the use of a deadly weapon, and one count of first-degree murder with the use of a deadly weapon. The district court sentenced Walker to life imprisonment without the possibility of parole.

Walker's sole contention on appeal is that the district court erred by denying his presentence motions to withdraw his guilty pleas. An order denying a presentence motion to withdraw a guilty plea is reviewable on direct appeal from the judgment of conviction as an intermediate order in the proceedings.¹ In reviewing the district court's determination, we will presume that the lower court correctly assessed the validity of the plea, and we will not reverse the lower court's determination absent a clear showing of an abuse of discretion.² If the motion to withdraw is based on a claim that the guilty plea was not entered voluntarily, knowingly, and intelligently, the appellant has the burden to substantiate the claim.³

Walker claims that his guilty pleas were not entered "freely and voluntarily" because "he was intellectually unable to read or

¹NRS 177.045; Hart v. State, 116 Nev. 558, 562 n.2, 1 P.3d 969, 971 n.2 (2000) (citing Hargrove v. State, 100 Nev. 498, 502 n.3, 686 P.2d 222, 225, n.3 (1984)).

²Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986).

³Id.

understand the guilty plea agreement[s]." However, the record before us belies this claim.⁴

In the written plea agreements, Walker acknowledged that he agreed to plead guilty, understood the consequences of his plea, understood the rights and privileges he waived by pleading guilty, and that he voluntarily signed the agreement after consulting with counsel. Walker's counsel certified the written agreements, stating that to the best of their knowledge and belief Walker was competent, understood the charges and consequences of pleading guilty as provided in the agreement, and entered the guilty plea voluntarily.

During the district court's plea canvass, Walker stated that he had gone to high school and acknowledged that he could read, write, and understand the English language. Walker further acknowledged that he read and understood the plea agreements, he went over the plea agreements thoroughly with counsel, he understood the charges against him, and that he freely and voluntarily entered his pleas of guilt. Before accepting Walker's pleas, the district court read each count on the amended informations and Walker acknowledged that each count was correct.

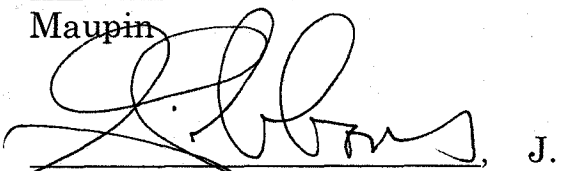
⁴See Hargrove, 100 Nev. at 503, 686 P.2d at 225 (holding that a defendant is not entitled to relief "on factual allegations belied or repelled by the record").

We also note that Walker received a substantial benefit from the agreements in that he was spared the possibility of a death sentence. Based on the totality of the circumstances, we conclude that Walker's guilty plea agreements were entered voluntarily, knowingly, and intelligently. Accordingly, we

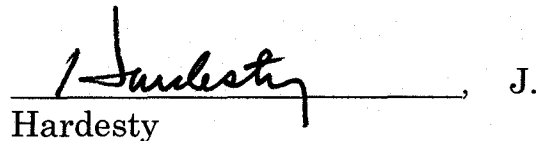
ORDER the judgments of conviction AFFIRMED.⁵

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

⁵Although this court has elected to file the appendices submitted, it is noted that they do not comply with the arrangement and form requirements of the Nevada Rules of Appellate Procedure. See NRAP 3C(e)(2); NRAP 30(b),(c); NRAP 32(a). Specifically, each appendix contained multiple copies of several documents, nonessential documents, and more than 250 pages. Counsel is cautioned that failure to comply with the requirements for appendices in the future may result in the appendix being returned, unfiled, to be correctly prepared.

cc: Hon. Joseph T. Bonaventure, District Judge
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Gabriel L. Grasso
Clark County Clerk