

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARC N. SKEWES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47091

FILED

JUL 17 2007

JANE TTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying appellant Marc Skewes' post-conviction motion to withdraw his guilty plea. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

Skewes was originally convicted, pursuant to a guilty plea, of four counts of the use of technology to lure children and one count of possession of a visual presentation depicting sexual conduct of a person under 16 years of age. Subsequent to the conviction, Skewes filed a motion to withdraw his guilty plea, arguing that his plea was not entered knowingly and voluntarily because he was not informed of a potential defense to the luring charges. Specifically, he argued that there was a lack of evidence that he committed the crimes of luring because the person with whom he was communicating was not actually a child. Skewes relies on this court's decision in State v. Colosimo.¹

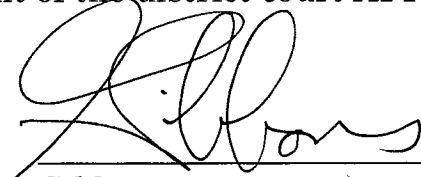
We note that Skewes was specifically charged with violation of NRS 201.560 by attempting to contact a child, unlike the defendant in

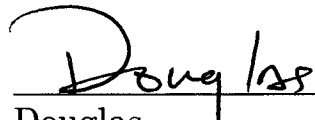
¹122 Nev. ___, 142 P.3d 352 (2006).

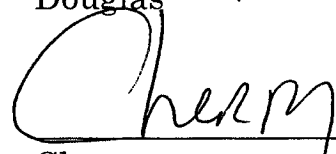
Colosimo, who was charged only with a completed offense. This court recently held that "[c]onviction for violation of the attempt provision is proper as long as the defendant intended to communicate with a child."²

We therefore conclude that the district court did not err by denying Skewes' motion to withdraw his plea, and we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Donald M. Mosley, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Catherine Cortez Masto Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

²Johnson v. State, 123 Nev. ___, ___, ___ P.3d ___ (Adv. Op. No. 17, June 14, 2007).