

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEPHAN GRIGORIAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

STEPHAN GRIGORIAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47573

FILED

DEC 11 2006

No. 47574

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

ORDER OF AFFIRMANCE

These are consolidated appeals from judgments of conviction entered pursuant to guilty pleas. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge. In Docket No. 47573, appellant Stephan Grigorian was convicted of one count of assault with a deadly weapon and sentenced to serve a prison term of 12 to 48 months. In Docket No. 47574, Grigorian was convicted of one count of burglary (count I), two counts of fraudulent use of a credit card (counts II and IV), and two counts of using the personal identifying information of another (counts III and V). The district court sentenced Grigorian to serve a prison term of 28 to 72 months for count I, a concurrent prison term of 12 to 48 months for count II, a consecutive prison term of 48 to 180 months for count III, and two concurrent prison terms of 12 to 48 months for counts IV and V. The district court ordered the sentences imposed in the two cases to run concurrently.

Grigorian contends that the district court abused its discretion by denying his presentence motion to withdraw the guilty pleas.

Specifically, Grigorian argues that he did not understand the consequences of his guilty pleas because he was not fluent in English and was not provided with a Russian-language interpreter. We conclude that Grigorian's contention lacks merit.

NRS 176.165 permits a defendant to file a motion to withdraw a guilty plea before sentencing. The district court may grant such a motion in its discretion for any substantial reason that is fair and just.¹ "On appeal from a district court's denial of a motion to withdraw a guilty plea, this court '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

The district court found that Grigorian's guilty pleas were knowing, voluntary and intelligent, and that he clearly understood English. The district court's findings are supported by substantial evidence. In particular, at his arraignment, Grigorian refused the services of an interpreter, advising the district court that he understood the proceedings. Additionally, Grigorian's responses to the district court's questions at the plea canvass were appropriate and demonstrated an understanding of the English language. Finally, at the hearing on the presentence motion to withdraw the guilty pleas, defense counsel Kevin Van Ry testified that Grigorian advised him that he did not need an interpreter and that Grigorian appeared to understand English very well.

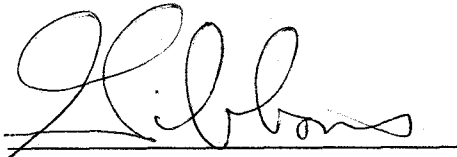
¹State v. District Court, 85 Nev. 381, 385, 455 P.2d 923, 926 (1969).

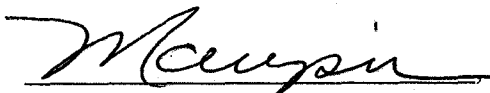
²Riker v. State, 111 Nev. 1316, 1322, 905 P.2d 706, 710 (1995) (quoting Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986)).

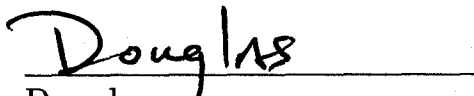
Accordingly, the district court did not abuse its discretion by denying the presentence motion to withdraw the guilty pleas.

Having considered Grigorian's contention and concluded that its lacks merit, we

ORDER the judgments of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Connie J. Steinheimer, District Judge
Attorney General George Chanos/Carson City
Scott W. Edwards
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk