

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREWINDOLYM MILLIANA GLANCEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48080

FILED

JAN 09 2007

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of first-degree kidnapping. Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge. The district court sentenced appellant Grewndolym Milliana Glancey to serve a prison term of 5 to 15 years.

Glancey contends that the district court abused its discretion by denying her presentence motion to withdraw the guilty plea. Specifically, Glancey contends that she should have been allowed to withdraw her guilty plea because the "statute favors withdrawal of a plea before entry of . . . sentence," and because of her "swift change of heart; stated desire to proceed to trial; and her apparent confusion as illustrated at each court appearance subsequent to her change of plea." Glancey's contention lacks merit.

The district court may grant a presentence motion to withdraw for any substantial reason that is fair and just.¹ "On appeal

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

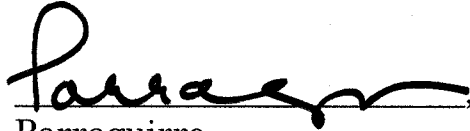
from a district court's denial of a motion to withdraw a guilty plea, this court 'will presume that the lower court correctly assessed the validity of the plea, and we will not reverse the lower court's determination absent a clear showing of an abuse of discretion.'"²

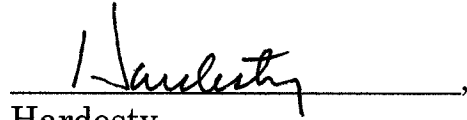
The totality of the circumstances indicates that Glancey's guilty plea was knowing and intelligent. Glancey signed a written plea agreement and was thoroughly canvassed by the district court. At the plea canvass, she responded appropriately to the district court's questions and advised the district court that she reviewed the plea agreement with defense counsel. In denying the presentence motion to withdraw the plea, the district court found that Glancey spoke fluent English, was not confused about the plea negotiations, and her decision to plead guilty was not "rushed." Also, the district court commented that the plea negotiations occurred on the day set for trial, and the parties spent approximately one and one-half hours on the plea bargain. Moreover, we note that Glancey received a substantial benefit for the guilty plea in that the State dropped one count of burglary while in possession of a deadly weapon, one count of conspiracy to commit kidnapping, and two counts of second-degree kidnapping with the use of a deadly weapon. Accordingly, we conclude that the district court did not abuse its discretion by denying the presentence motion to withdraw the guilty plea.

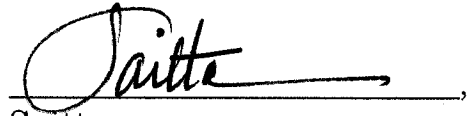
²Riker v. State, 111 Nev. 1316, 1322, 905 P.2d 706, 710 (1995) (quoting Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986)).

Having considered Glancey's contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.


Parraguirre J.


Hardesty J.


Saitta J.

cc: Hon. Stewart L. Bell, District Judge
Mueller & Associates
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk