

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROY DEAN THOMAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 34641

FILED

APR 12 2000

ALANETTE M. BLOOM
CLERK OF THE SUPREME COURT
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to an Alford¹ plea, of one count of larceny from the person. The district court sentenced appellant Roy Dean Thomas to serve twenty-four (24) to sixty (60) months in the Nevada State Prison.

Thomas contends that the district court abused its discretion by denying his pre-sentence motion to withdraw his Alford plea. We disagree.

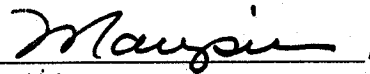
NRS 176.165 permits a defendant to file a motion to withdraw a guilty plea prior to sentencing. The district court may grant the motion in its discretion for any "substantial reason" if it is "fair and just." State v. District Court, 85 Nev. 381, 385, 455 P.2d 923, 926 (1969); see also Woods v. State, 114 Nev. 468, 475, 958 P.2d 91, 95 (1998).

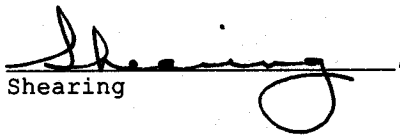
After reviewing the documents submitted with this appeal, we conclude that the district court did not abuse its discretion in denying appellant's motion. Appellant failed to demonstrate that his plea was not knowingly or voluntarily entered, or that his plea was otherwise invalid. See Bryant


¹North Carolina v. Alford, 400 U.S. 25 (1970).

v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986) (stating that defendant has burden of proof when challenging guilty plea). We therefore

ORDER this appeal dismissed.


Maupin J.


Shearing J.


Becker J.

cc: Hon. Kathy A. Hardcastle, District Judge
Attorney General
Clark County District Attorney
Clark County Public Defender
Clark County Clerk