

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFERY PERKINS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 34768

**FILED**

AUG 30 2000

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

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court denying appellant's post-conviction motion to withdraw his guilty plea. Appellant was convicted, pursuant to a guilty plea, of one count of child abuse and neglect. On March 24, 1999, the district court sentenced appellant to a term of 96 to 240 months in prison. On June 18, 1999, appellant filed a motion to modify sentence or, in the alternative to withdraw his guilty plea. The district court denied the motion after an evidentiary hearing.

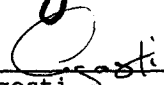
Appellant contends that the district court erred by denying his motion. Specifically, appellant argues that his guilty plea was invalid because he had been promised that he would receive probation. At the evidentiary hearing, the attorney who represented appellant at the time he entered his plea testified that he told appellant that probation was "very unlikely." Further, appellant signed a guilty plea agreement that informed him of the potential sentence. The guilty plea agreement stated that appellant had not been promised or guaranteed any particular sentence, and that the sentence would be determined by the district court.

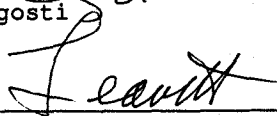
Based on the evidence presented, appellant has failed to demonstrate that his plea was not entered knowingly

and intelligently. We therefore conclude that the district court did not abuse its discretion by denying appellant's motion. See *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986). Accordingly, we

ORDER this appeal dismissed.

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. Michael L. Douglas, District Judge  
Attorney General  
Clark County District Attorney  
Scott L. Bindrup  
Clark County Clerk