

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT T. VAULT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 34805

FILED

JUN 13 2000

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

ORDER DISMISSING APPEAL

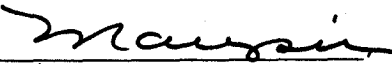
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of two counts of robbery. The district court sentenced appellant to two consecutive prison term of forty-eight to one hundred twenty months and ordered appellant to pay a \$25.00 administrative fee.

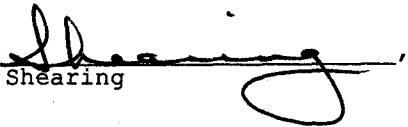
Appellant's sole contention on appeal is that the district court erred in denying his oral motion to withdraw his guilty plea. At sentencing appellant contended that the plea memorandum did not accurately reflect his understanding of the possible sentencing range. However, the district court determined that appellant knowingly and intelligently signed the plea agreement which set forth the possible sentencing range, and appellant's counsel denied misinforming appellant as to the possible sentencing range. We have held that it is within the district court's discretion to "grant a defendant's motion to withdraw a guilty plea for any 'substantial reason' if it is 'fair and just.'" Woods v. State, 114 Nev. 468, 475, 958 P.2d 91, 95 (1998) (quoting State v. District Court, 85 Nev. 381, 385, 455 P.2d 923, 926 (1969)). A defendant's plea of guilty is presumptively valid, and the burden is on the defendant to show that the plea was not voluntarily entered. Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986). After a thorough review of the record, we conclude that appellant's guilty plea was knowingly and intelligently entered and, therefore, the district court did not abuse its discretion in denying appellant's motion to withdraw the plea.


00-09971

Having considered appellant's contention and concluded that it is without merit, we

ORDER this appeal dismissed.


Maupin J.


Shearing J.


Becker J.

cc: Hon. Joseph T. Bonaventure, District Judge
Attorney General
Clark County District Attorney
Amesbury & Schutt
Clark County Clerk