

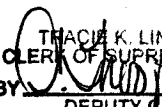
IN THE SUPREME COURT OF THE STATE OF NEVADA

BILLY COOKS A/K/A BILLY JAMES  
COOKS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53306

**FILED**

JAN 08 2010

THACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of pandering of a child. Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

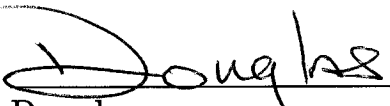
Appellant Billy Cooks contends that the district court erred by denying his presentence motion to withdraw his guilty plea. See NRS 176.165. Cooks claims that due to a change in the law after he entered his plea and prior to sentencing, he will not receive the specific benefit of his plea bargain because he will be required to register as a sex offender rather than “as a person convicted of a crime against a child.” See NRS 179D.450 (registration requirements for offenders and sex offenders, effective July 1, 2008); former NRS 179D.230 (registration requirements for offenders, effective through June 30, 2008).


Cooks has failed to demonstrate how NRS 179D.450 would require him to register as a sex offender. The statute refers to “offenders” and “sex offenders” separately and Cooks’ status as an “offender” remains unchanged thus allowing him to receive the benefit of his plea bargain. Therefore, we conclude that the district court did not abuse its discretion

by denying Cooks' presentence motion to withdraw his guilty plea. See Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986) ("On appeal from the district court's determination, we 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."); see also Woods v. State, 114 Nev. 468, 475, 958 P.2d 91, 95 (1998) ("A district court may, in its discretion, grant a defendant's [presentence] motion to withdraw a guilty plea for any substantial reason if it is fair and just.") (internal quotations omitted). Accordingly, we

ORDER the judgment of conviction AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. James M. Bixler, District Judge  
Michael H. Schwarz  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>Cooks asks this court to adopt the federal standards pertaining to presentence motions to withdraw which, he claims, are more liberally granted. We decline Cooks' invitation.