

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN CASTRO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54086

**FILED**

JAN 07 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of attempted possession of stolen property. First Judicial District Court, Carson City; James Todd Russell, Judge.

Appellant Steven Castro contends that the district court abused its discretion by denying his presentence motion to withdraw his guilty plea, which was based on a claim of ineffective assistance of counsel. We presume that the district court correctly assessed the validity of a plea on a motion to withdraw the plea and will not reverse its decision absent an abuse of discretion. Molina v. State, 120 Nev. 185, 191, 87 P.3d 533, 538 (2004). When reviewing the district court's resolution of an ineffective-assistance claim, we give deference to the court's factual findings if supported by substantial evidence and not clearly erroneous but review the court's application of the law to those facts de novo. Lader v. Warden, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005).

The district court conducted a hearing on Castro's motion and found that "his counsel provided excellent representation" and that Castro requested a plea bargain and benefited from dismissal of the charge in another criminal case and a reduction of the charge in the instant case.

See Strickland v. Washington, 466 U.S. 668, 687-88 (1984) (establishing a two-part test for ineffective assistance of counsel). The district court further found that, under the totality of the circumstances, Castro entered his guilty plea voluntarily, knowingly and intelligently. See Crawford v. State, 117 Nev. 718, 722, 30 P.3d 1123, 1125-26 (2001) (“A thorough plea canvass coupled with a detailed, consistent, written plea agreement supports a finding that the defendant entered the plea voluntarily, knowingly, and intelligently.”).

The district court’s findings are supported by substantial evidence and are not clearly wrong. Further, the district court’s determination was not wrong as a matter of law. Therefore, we conclude that the district court did not abuse its discretion by denying Castro’s presentence motion to withdraw his guilty plea. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. James Todd Russell, District Judge  
Robert B. Walker  
Attorney General/Carson City  
Carson City District Attorney  
Carson City Clerk