

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE J. MEAD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54144

**FILED**

FEB 03 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 sexually motivated coercion. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

Appellant George J. Mead contends that the district court erred by denying his presentence motion to withdraw his guilty plea because the court considered only the guilty plea canvass when determining the validity of the guilty plea. See Mitchell v. State, 109 Nev. 137, 141, 848 P.2d 1060, 1062 (1993) (the district court “has a duty to review the entire record to determine whether the plea was valid”). We disagree. 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). The record indicates that the district court considered the entire record before determining the validity of the guilty plea, and we conclude that Mead has not clearly demonstrated that the district court abused its discretion in denying the motion.


Mead also contends that the district court erred by failing to conduct an evidentiary hearing on his motion to withdraw. This contention is belied by the record and therefore lacks merit. Prior to


sentencing, the district held a hearing during which both defense counsel and the State argued their positions and Mead gave a sworn statement.

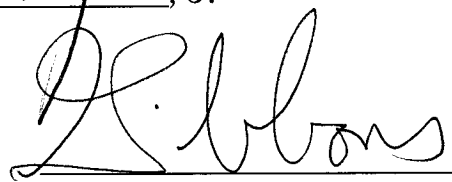
Finally, Mead contends that the district court erred by failing to appoint conflict-free counsel for the hearing because Mead alleged that his counsel was ineffective. Beals v. State, 106 Nev. 729, 731, 802 P.2d 2, 4 (1990) (a defendant has a right to counsel at a hearing on a motion to withdraw a guilty plea); Crump v. Warden, 113 Nev. 293, 303, 934 P.2d 247, 253 (1997) (a right to counsel necessarily implies the right to effective assistance of counsel); Clark v. State, 108 Nev. 324, 326, 831 P.2d 1374, 1376 (1992) (this court presumes that a defendant has been prejudiced if counsel has an actual conflict of interest with his client). However, neither Mead's motion to withdraw, nor his reply to the State's opposition allege that Mead's counsel was ineffective; similarly, Mead did not indicate at the hearing on the motion that he was dissatisfied with the performance of his counsel. Thus, we conclude that the district court did not err by failing to appoint separate counsel for the motion to withdraw.

Having considered Mead's contentions and concluded that they are without merit, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. David B. Barker, District Judge  
John P. Parris  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk