

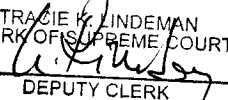
IN THE SUPREME COURT OF THE STATE OF NEVADA

LESTER TONEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54492

FILED

MAY 07 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

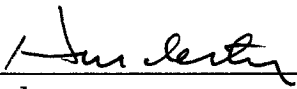
This is an appeal from a district court order denying a post-conviction motion to withdraw a guilty plea. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

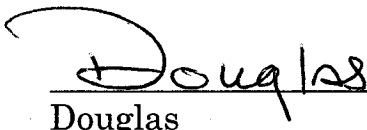
In a motion to withdraw his guilty plea, appellant argued that his plea was involuntary and unknowing because the district court conducted an inadequate plea canvass and counsel failed to fully explain the contents of the plea agreement or allow him sufficient time to review its terms.

A post-conviction motion to withdraw a guilty plea may be granted to correct a manifest injustice. Rubio v. State, 124 Nev. ___, ___, 194 P.3d 1224, 1228 (2008). Here, however, we conclude that appellant failed to meet his burden of establishing that his plea was entered involuntarily and unknowingly. See Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986); see also Molina v. State, 120 Nev. 185, 190, 87 P.3d 533, 537 (2004) (providing that guilty plea is presumptively valid, particularly when entered into upon advice of counsel). Considering the totality of the circumstances, see State v. Freese, 116 Nev. 1097, 1105, 13 P.3d 442, 448 (2000), we conclude that the district court's plea canvass,

albeit brief, coupled with the guilty plea agreement and counsel's certification concerning appellant's competency and understanding of the terms and consequences of the guilty plea, sufficiently demonstrates that appellant's plea was knowingly and voluntarily entered. Therefore, we conclude that the district court did not clearly abuse its discretion by denying appellant's motion to withdraw his guilty plea. See Hubbard v. State, 110 Nev. 671, 675, 877 P.2d 519, 521 (1994). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Kathy A. Hardcastle, District Judge
Kelly & Sullivan, Ltd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk