

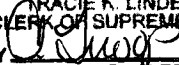
IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD CURTIS WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55368

FILED

NOV 08 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court partially granting appellant Ronald Curtis Williams' post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

The district court found that Williams' guilty plea to the count of child abuse or neglect was not entered knowingly and intelligently, allowed Williams to withdraw his guilty plea to that count, and upheld the remainder of the guilty plea agreement. Williams contends that the district court should have allowed him to completely withdraw from the guilty plea agreement. We review a district court's ruling on a motion to set aside a guilty plea for an abuse of discretion. Wilson v. State, 99 Nev. 362, 373, 664 P.2d 328, 334 (1983), on reh'g, 101 Nev. 452, 705 P.2d 151 (1985). "An abuse of discretion occurs if the district court's decision is arbitrary or capricious or if it exceeds the bounds of law or reason." Jackson v. State, 117 Nev. 116, 120, 17 P.3d 998, 1000 (2001).

The district court determined that Williams did not knowingly and intelligently plead guilty to the count of child abuse or neglect and ordered briefing and heard argument on the appropriate remedy. The district court found that the sentence for the child abuse or neglect count was imposed to run concurrently with the sentences for the other counts, the child abuse or neglect count could be severed without invalidating the rest of the agreement, upholding the rest of the agreement would not

constitute a manifest injustice, and contract law would not require the entire plea to be set aside because Williams would receive the benefit of his bargain. See NRS 176.165; State v. Crockett, 110 Nev. 838, 842, 877 P.2d 1077, 1079 (1994) (plea agreements are subject to contract principles); McKeever v. Warden SCI-Graterford, 486 F.3d 81, 87-88 (3d Cir. 2007) (the removal of a concurrent sentence does not affect a comprehensive sentencing plan).

We conclude that the district court properly considered the totality of the circumstances and the interests of the parties and did not abuse its discretion by limiting Williams' remedy to the withdrawal of his child abuse or neglect plea. See generally State v. Roou, 738 N.W.2d 173 (Wis. Ct. App. 2007) (holding that a trial court properly exercised its discretion when it denied the defendant's motion to withdraw from the entire plea agreement). Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Kenneth C. Cory, District Judge
Eighth District Court Clerk
Michael R. Pandullo
Attorney General/Carson City
Clark County District Attorney
Ronald Curtis Williams

¹No action will be taken on the proper person documents received in this appeal.