

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAVELL HALL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55565

FILED

SEP 09 2010

TRACIE K. LINDEMAN
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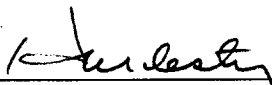
ORDER OF AFFIRMANCE

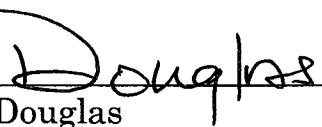
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of two counts of attempted sexual assault. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge.


Appellant Lavell Hall claims the district court abused its discretion by denying his presentence motion to withdraw his guilty plea. He claims that the victim stated the sexual acts were consensual and an investigation would have shown that his son could have committed the crimes of sexual assault and lewdness with a child under 14 years of age that were dismissed pursuant to the guilty plea agreement. We conclude that the district court correctly assessed the validity of Hall's plea and determined that he had failed to advance a substantial, fair, and just reason for withdrawing his plea. See State v. District Court, 85 Nev. 381, 385, 455 P.2d 923, 926 (1969). The district court canvassed Hall to ensure that he understood the constitutional rights he was waiving, the nature of the offenses charged, and the consequences of his plea. During the canvass, Hall admitted to the facts of the offenses and stated that he was pleading guilty to limit his criminal penalty exposure. The written plea agreement was detailed and consistent with the plea canvass and Hall

stipulated to the sentence imposed by the district court. Because the totality of the circumstances indicate that Hall entered his plea voluntarily, knowingly, and intelligently, see Crawford v. State, 117 Nev. 718, 722, 30 P.3d 1123, 1125-26 (2001), and we conclude that he has failed to carry his burden to show that the district court clearly abused its discretion by denying his presentence motion to withdraw his guilty plea, see Woods v. State, 114 Nev. 468, 475, 958 P.2d 91, 95 (1998); see also NRS 176.165, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Jennifer Togliatti, District Judge
The Eighth District Court Clerk
Lizzie R. Hatcher
Attorney General/Carson City
Clark County District Attorney