

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYCE HOOKAIKALAN NOWAK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55573

FILED

JUL 15 2010

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

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying appellant Bryce Nowak's post-conviction motion to withdraw his guilty plea.¹ Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

Nowak appears to contend that the district court erred by denying his motion to withdraw his guilty plea because he suffered a manifest injustice when he was certified to stand trial as an adult. A guilty plea is presumed to be valid and we will not disturb the district court's ruling on a motion to set aside a guilty plea absent a clear abuse of discretion. Wilson v. State, 99 Nev. 362, 373, 664 P.2d 328, 334 (1983).

The district court held a hearing on the motion and determined that any issues regarding the propriety of Nowak's certification were waived by the entry of the guilty plea and denied the

¹The motion filed below was entitled "Motion to Correct Manifest Injustice and Declare Conviction Void." However, the district court resolved it as if it was a motion to withdraw a guilty plea and we elect to treat it as such.

motion.² We conclude that Nowak has failed to demonstrate that the district court abused its discretion. See A Minor v. State, 99 Nev. 845, 846, 673 P.2d 493, 493-94 (1983) (“[A] challenge to the juvenile proceedings which resulted in the filing of felony charges against [the juvenile] is precluded by the entry of a plea of guilty to those charges.”); see also Hart v. State, 116 Nev. 558, 564, 1 P.3d 969, 973 (2000) (a motion to withdraw a guilty plea is limited in scope to issues relating to the validity of the plea).³

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Valorie Vega, District Judge
Baker Law Offices
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²At the hearing, the district court also determined that Nowak’s guilty plea was knowingly, intelligently, and voluntarily entered. Nowak does not challenge that determination on appeal.

³To the extent Nowak directly challenges his certification to district court, such a challenge is not appropriately raised in this appeal from an order denying a motion to withdraw guilty plea.