

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY BAILEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55982

FILED

NOV 08 2010

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to withdraw a guilty plea.¹ Eighth Judicial District Court, Clark County; David Wall, Judge.

In his motion filed on April 1, 2010, appellant claimed that his plea was invalid due to threats, coercion and promises of a one-year minimum term.

A guilty plea is presumptively valid, and a defendant carries the burden of establishing that the plea was not entered knowingly and intelligently. Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986); see also Hubbard v. State, 110 Nev. 671, 675, 877 P.2d 519, 521 (1994). In determining the validity of a guilty plea, this court looks to the totality of the circumstances. State v. Freese, 116 Nev. 1097, 1105, 13 P.3d 442, 448 (2000); Bryant, 102 Nev. at 271, 721 P.2d at 367.

¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

Based upon our review of the record on appeal, we conclude that appellant failed to carry his burden of demonstrating that his plea was invalid. Appellant was informed at the plea canvass that the minimum term for his offense was 2 years and that pursuant to the negotiations the State retained the right to argue.² Appellant acknowledged that his plea was not the product of threats, coercion, or promises not contained in the plea agreement. Therefore, we conclude that the district court did not err in denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³

1 Hardesty, J.
Hardesty

1 Douglas, J.
Douglas

Pickering, J.
Pickering

²The minimum term was incorrectly stated as one year in the written guilty plea agreement. This error was corrected at the plea canvass. The district court provided appellant an opportunity to discuss the plea agreement with his counsel in light of this correction, but appellant chose to proceed with the guilty plea canvass.

³We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. David Wall, District Judge
Eighth District Court Clerk
Anthony Bailey
Attorney General/Carson City
Clark County District Attorney