

IN THE SUPREME COURT OF THE STATE OF NEVADA

DERRICK K. BRADLEY A/K/A
DERRICK KEITH BRADLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56107

DERRICK K. BRADLEY A/K/A
DERRICK KEITH BRADLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56110

DERRICK K. BRADLEY A/K/A
DERRICK KEITH BRADLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56111

FILED

JAN 13 2011

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

ORDER OF AFFIRMANCE AND LIMITED REMAND TO CORRECT
THE JUDGMENT OF CONVICTION IN DISTRICT COURT
CASE NO. 09-C-256485-C

These are appeals from three separate judgments of conviction entered pursuant to guilty pleas to six counts of robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge. We elect to consolidate these appeals for disposition purposes only. NRAP 3(b).

First, appellant Derrick K. Bradley contends that the district court abused its discretion by denying his presentence motion to withdraw his guilty pleas. Bradley claims that his pleas were not entered voluntarily, knowingly, and intelligently because they were the product of

defense counsel Wendy Leik's coercion. A district court may grant a presentence "motion to withdraw a guilty plea for any substantial, fair, and just reason." Crawford v. State, 117 Nev. 718, 721, 30 P.3d 1123, 1125 (2001); see also NRS 176.165. We review the district court's ruling for abuse of discretion. Crawford, 117 Nev. at 721, 30 P.3d at 1125. Here, Bradley expressly asked to be represented by attorney Leik in all of his cases and waived the presence of the other attorneys when entering his pleas. In each of the written plea agreements, Bradley acknowledged that he signed the agreement voluntarily, was not acting under duress or coercion, understood the nature of the charges against him, and understood the consequences of his plea. The district court conducted separate canvasses for each plea agreement. During each canvass, Bradley acknowledged that no one forced, coerced, or threatened him in any manner. We conclude from the totality of the circumstances that Bradley has failed to overcome the presumption that the district court correctly assessed the validity of his guilty pleas and has not demonstrated that the district court abused its discretion by denying his presentence motion to withdraw his guilty pleas. See id. at 721-22, 30 P.3d at 1125-26.

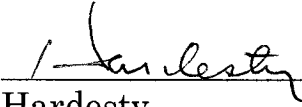
Second, Bradley contends that the district court invalidated the plea agreements by ordering him to pay restitution because he was not informed of the amount of restitution before entering the plea agreements and the plea agreements could not be entered knowingly and intelligently without this information. Because Bradley did not object to the restitution amount at sentencing, we review for plain error. See NRS 178.602; Mendoza-Lobos v. State, 125 Nev. ___, ___, 218 P.3d 501, 507-08 (2009); see also Puckett v. United States, 446 U.S. ___, ___, 129 S. Ct. 1423, 1428-

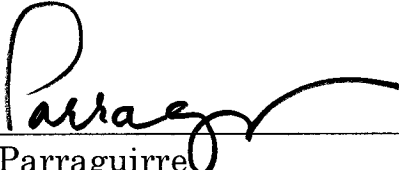
29 (2009). The record reveals that Bradley agreed to make full restitution; therefore, we conclude that there was no error.

Third, Bradley contends that he should be allowed to withdraw his guilty pleas because the district court agreed to sentence him in accordance with the parties' stipulated sentence and failed to do so. The judgment of conviction in district court case no. 09-C-256485C runs the sentences for counts 1 and 2 consecutively instead of concurrently as stipulated to by the parties. Both Bradley and the State acknowledge that the judgment of conviction may contain a clerical error. We are satisfied from our review of the record that the district court intended that the sentences for all the counts and cases run concurrently. We conclude that the judgment of conviction in case no. 09-C-256485C contains a clerical error, the error does not warrant the withdrawal of the guilty pleas, and the error must be corrected following the issuance of our remittitur. See NRS 176.565 (providing that clerical errors in judgments may be corrected at any time); Buffington v. State, 110 Nev. 124, 126, 868 P.2d 643, 644 (1994) (explaining that the district court does not regain jurisdiction following an appeal until the supreme court issues its remittitur). Accordingly, we

ORDER the judgments of conviction AFFIRMED and REMAND this matter to the district court for the limited purpose of correcting the erroneous judgment of conviction.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Douglas W. Herndon, District Judge
Stephanie Kice
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk