

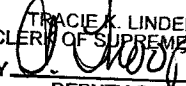
IN THE SUPREME COURT OF THE STATE OF NEVADA

CLINTON GARY GREENE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56241

FILED

JAN 13 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted murder. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.


Appellant Clinton Greene contends that the district court erred by denying his presentence motion to withdraw his guilty plea.¹ See NRS 176.165. Greene contends that his guilty plea was not knowingly and intelligently entered because he did not have sufficient time to discuss the case with counsel before entry of his guilty plea and counsel did not discuss the elements of the crime or possible defenses with him. 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. Molina v. State, 120 Nev. 185, 191, 87 P.3d 533, 538 (2004).

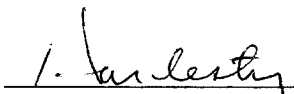
The district court held an evidentiary hearing on the motion and determined that, based on the testimony given at the hearing and a

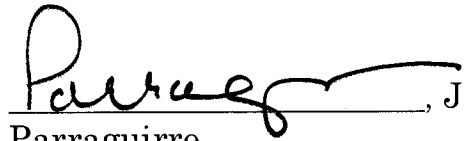
¹Greene's motion to withdraw was previously denied by the district court but that denial was reversed and remanded by this court on appeal. Greene v. State, Docket No. 50903 (Order of Reversal and Remand, May 28, 2009).

review of the plea canvass and plea agreement, Greene's plea was voluntarily, knowingly, and intelligently entered. The district court found specifically that (1) Greene admitted he may have discussed possible defenses with counsel, but had no specific memory of what was discussed; (2) Greene read the guilty plea agreement and counsel went over the plea agreement line by line with him; (3) Greene informed the court during the plea canvass that he had met enough with counsel and that counsel discussed defenses, the elements of the crime, and the nature of the charge; and (4) the guilty plea agreement was detailed and consistent with the plea canvass as it plainly stated the elements of the offense and that Greene discussed the elements and possible defenses with counsel. The district court's findings are supported by the record and we conclude that Greene has failed to demonstrate an abuse of discretion. See id. at 190, 87 P.3d at 537 (defendant bears the burden of proving that a plea is invalid); Crawford v. State, 117 Nev. 718, 722, 30 P.3d 1123, 1126 (2001) ("A thorough plea canvass coupled with a detailed, consistent, written plea agreement supports a finding that the defendant entered the plea voluntarily, knowingly, and intelligently."). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


Saitta, J.


Hardesty, J.


Parraguirre, J.

cc: Hon. Steve L. Dobrescu, District Judge
Lockie & Macfarlan, Ltd.
Attorney General/Ely
White Pine County Clerk