IN THE SUPREME COURT OF THE STATE OF NEVADA

WADE ALEXANDER MOSBY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57062

FILED

JUL 15 2011

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of two counts of battery resulting in substantial bodily harm. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

Appellant Wade Alexander Mosby contends that the district court abused its discretion by denying his presentence motion to withdraw his guilty plea. Mosby claims that his plea was not knowingly, voluntarily, and intelligently entered because (1) he did not understand that he was pleading guilty to two counts or that the interlineations made to the guilty plea agreement were valid and enforceable and (2) he was motivated by a fear that counsel was not prepared to go to trial and did not believe a self-defense claim had merit.

We presume that the district court correctly assessed the validity of a plea on a motion to withdraw the plea and will not reverse its decision absent an abuse of discretion. Molina v. State, 120 Nev. 185, 191, 87 P.3d 533, 538 (2004). The district court conducted a hearing, noted that it had taken Mosby's guilty plea, reviewed a transcript of the plea

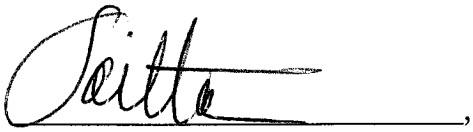
canvass, and determined that Mosby knew he was pleading guilty to two separate counts, understood the negotiations, and his lack of comfort with his trial counsel was not sufficient cause to allow him to withdraw his plea. See Crawford v. State, 117 Nev. 718, 722, 30 P.3d 1123, 1125-26 (2001) ("[T]he district court must consider the totality of the circumstances to determine whether the defendant entered the plea voluntarily, knowingly, and intelligently."). Mosby failed to provide a substantial reason upon which the district court should have granted the motion to withdraw. See Woods v. State, 114 Nev. 468, 475, 958 P.2d 91, 95 (1998) ("A district court may, in its discretion, grant a defendant's [presentence] motion to withdraw a guilty plea for any substantial reason if it is fair and just." (internal quotation marks omitted)); Molina, 120 Nev. at 190, 87 P.3d at 537 (a defendant bears the burden of proving that a plea is invalid); see also Crawford, 117 Nev. at 722, 30 P.3d at 1126 ("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."). Therefore, we conclude that the district court did not abuse its discretion by denying Mosby's motion to withdraw his guilty plea.

To the extent Mosby contends that his counsel was ineffective, he did not raise this claim below, claims of ineffective assistance of counsel will not generally be considered on direct appeal, see Johnson v. State, 117 Nev. 153, 160-61, 17 P.3d 1008, 1013 (2001), and Mosby has not provided us with any reason to depart from this policy in his case, see id.;

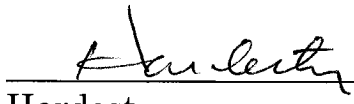
Archanian v. State, 122 Nev. 1019, 1036, 145 P.3d 1008, 1020-21 (2006).

Accordingly, we

ORDER the judgment of conviction AFFIRMED.



_____, J.
Saitta



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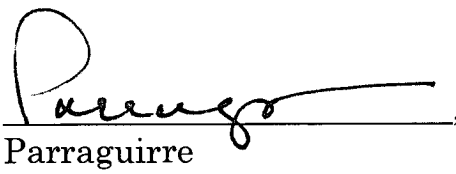

_____, J.
Parraguirre

cc: Hon. Jackie Glass, District Judge
Jonathan E. MacArthur
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk