

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTOINE COLLIER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57113

FILED

JUN 08 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Ingersoll
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of malicious injury to a vehicle. Eighth Judicial District Court, Clark County; James M. Bixler, Judge.


Appellant Antoine Collier contends that the district court erred by denying his presentence motion to withdraw a guilty plea without conducting an evidentiary hearing. Collier contends that his guilty plea was not knowing and voluntary because he was coerced into pleading guilty by his counsel and was not given the opportunity to read the plea agreement prior to signing it. A district court may grant a "motion to withdraw a guilty plea prior to sentencing 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 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).


During his plea canvass, Collier acknowledged that he read the plea agreement and understood the rights set forth in it before he signed it. He also denied that anyone coerced him into pleading guilty.

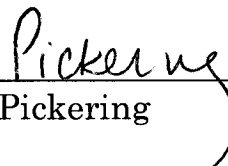
We conclude that from the totality of the circumstances that Collier has failed to overcome the presumption that the district court correctly assessed the validity of his guilty plea and has not demonstrated that the district court abused its discretion by denying his presentence motion to withdraw his guilty plea. See Crawford, 117 Nev. at 721-22, 30 P.3d at 1125-26. Further, an evidentiary hearing was not warranted because Collier's claims were belied by the record. See Hargrove v. State, 100 Nev. 498, 503, 686 P.2d 222, 225 (1984).

Having considered Collier's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Cherry


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. James M. Bixler, District Judge
Eichhorn & Hoo LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk