

IN THE SUPREME COURT OF THE STATE OF NEVADA

PHILIP ANGELO QUILICI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57275

FILED

JUL 14 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Inverso*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of battery with the intent to commit sexual assault. Sixth Judicial District Court, Pershing County; Michael Montero, Judge.

Appellant Phillip Angelo Quilici contends that the district court abused its discretion when it denied his presentence motion to withdraw his guilty plea. Quilici claims that his sex offender tier classification and future ability to visit public parks and use a computer were direct consequences of his plea that he should have been made aware of prior to entering his guilty plea.


“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.” Molina v. State, 120 Nev. 185, 191, 87 P.3d 533, 537 (2004) (internal quotations and alteration omitted). “When reviewing a district court’s denial of a motion to withdraw a guilty plea, this court presumes that the district court properly assessed the plea’s validity, and we will not reverse the lower court’s determination absent abuse of discretion.” Crawford v. State, 117 Nev. 718, 721, 30 P.3d 1123, 1125 (2001). Nevada’s three-tiered sex offender classification system operates solely to notify the public of the presence of a registered sex offender in the

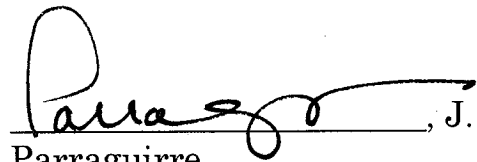
community. See NRS 179D.730.¹ Therefore, the three-tiered classification system is a collateral consequence of Quilici's guilty plea which did not render his plea invalid. See Nollette v. State, 118 Nev. 341, 347, 46 P.3d 87, 91 (2002) (explaining that community notification provisions are a collateral consequence and not prerequisite to entry of a valid plea). Similarly, provisions relating to public parks and the use of computers are also collateral consequences because they are conditions of parole. See NRS 213.1245 (listing mandatory conditions of parole); see also Palmer v. State, 118 Nev. 823, 830, 59 P.3d 1192, 1196 (2002) (explaining that parole is a collateral consequence). Therefore, the district court did not abuse its discretion by denying Quilici's motion to withdraw his guilty plea.

Having considered Quilici's claim and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.


Saitta, J.


Hardesty


Parraguirre, J.

¹Assembly Bill No. 579 (2007) and Senate Bill No. 471 (2007) which repealed NRS 179D.730 were rendered null and void in Am. Civil Liberties Union v. Cortez Masto, 719 F. Supp. 2d 1258, 1260 (D. Nev. 2008).

cc: Hon. Michael Montero, District Judge
Pershing County Public Defender
Attorney General/Carson City
Pershing County District Attorney
Pershing County Clerk