

IN THE SUPREME COURT OF THE STATE OF NEVADA

PEDRO MATA SALAS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57315

**FILED**

**JUL 14 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 possession or sale of document or personal identifying information to establish false status or identity. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

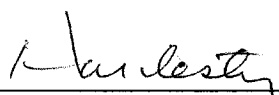
Appellant Pedro Mata Salas contends that the district court erred by denying his presentence motion to withdraw his guilty plea. Citing to Padilla v. Kentucky, 559 U.S. \_\_\_, 130 S. Ct. 1473 (2010), for support, Salas claims that counsel was ineffective for failing to properly explain the potentially “disastrous” immigration consequences of his plea and therefore the plea was invalid. We presume that the district court correctly assessed the validity of a plea on a motion to withdraw and will not reverse its decision absent an abuse of discretion. Molina v. State, 120 Nev. 185, 191, 87 P.3d 533, 538 (2004).

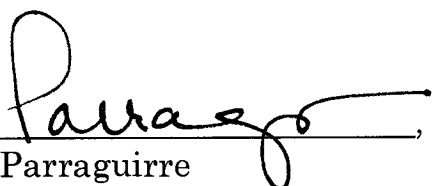
At the evidentiary hearing, Salas testified that he ultimately would not have rejected the plea deal had he understood the immigration consequences. In denying his motion, the district court found that Salas knowingly entered a valid plea because he was, in fact, “well aware” of the potential immigration consequences prior to its entry. We conclude that Salas failed to provide a substantial reason which required the withdrawal

of his guilty plea, see Woods v. State, 114 Nev. 468, 475, 958 P.2d 91, 95 (1998); Molina, 120 Nev. at 190, 87 P.3d at 537 (defendant bears the burden of proving that plea is invalid), and therefore, the district court did not abuse its discretion by denying his motion. Accordingly, we

ORDER the judgment of conviction AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Kathy A. Hardcastle, District Judge  
Xavier Gonzales  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>Although we filed the amended fast track statement submitted by Salas, it fails to comply with the Nevada Rules of Appellate Procedure. The statement of facts mostly refers to matters in the record without specific citation to the appendix, see NRAP 3C(e)(1)(C); NRAP 28(e)(1). Counsel for Salas is cautioned that the failure to comply with the briefing requirements may result in the fast track statement being returned, unfiled, to be correctly prepared, NRAP 32(e), and in the imposition of sanctions, NRAP 3C(n).