

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN YOUNG,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57912

FILED

OCT 08 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of first-degree kidnapping, conspiracy to commit first-degree kidnapping, and attempted murder with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge. Appellant Brian Young raises two arguments on appeal.

First, Young argues that the district court used the incorrect standard in ruling on his pre-sentence motion to withdraw his guilty plea. Prior to hearing argument on this motion, the district court was briefed by both parties on the correct legal standard and the district court referenced the correct standard during the hearing and in its written order. See Woods v. State, 114 Nev. 468, 475, 958 P.2d 91, 95 (1998) (stating the legal standard that “[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’.” (quoting State v. District Court, 85 Nev. 381, 385, 455 P.2d 923, 926 (1969))). We conclude that the district court’s reference to “good cause” was not evidence that it used a higher legal standard as Young suggests, and that the correct standard was applied. See Crawford v. State, 117 Nev. 718, 721-22, 30 P.3d 1123, 1125-26 (2001).

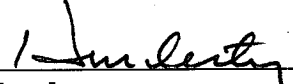
Second, Young argues that the district court abused its discretion in denying his motion to withdraw the guilty plea because the plea agreement was incorrect and was not corrected until the plea hearing, his attorney did not share discovery with him and never told him that he had viable defenses, and his mother pressured him to take the plea against his wishes. The district court held a hearing, heard evidence from Young, his attorney, and his mother, and concluded that Young's guilty plea was not coerced and was made intelligently with full knowledge of the attendant circumstances after reviewing the State's evidence with counsel. The district court also noted that any confusion in the guilty plea agreement surrounding the way sentences would run was clarified before the plea was entered and that Young was appropriately canvassed before the court accepted the plea. Cf. Hudson v. Warden, 117 Nev. 387, 400, 22 P.3d 1154, 1162 (2001) (finding that a guilty plea was involuntary when a material mistake was never corrected and the defendant was not canvassed before the plea was entered). We conclude that Young has not demonstrated that the district court abused its discretion in concluding that his plea was knowing, intelligent, and voluntary. See Johnson v. State, 123 Nev. 139, 144, 159 P.3d 1096, 1098 (2007) ("This court will not reverse a district court's determination concerning the validity of a plea absent a clear abuse of discretion."); see also Crawford, 117 Nev. at 721, 30 P.3d at 1125 (2001) ("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.").

Having considered Young's contentions, and concluded that they are without merit, we

ORDER the judgment of conviction AFFIRMED.

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

 \_\_\_\_\_, J.  
Pickering

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

cc: Hon. Linda Marie Bell, District Judge  
Legal Resource Group  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk