


IN THE SUPREME COURT OF THE STATE OF NEVADA

TAVIS M. ANDERSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58208

FILED

MAR 07 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

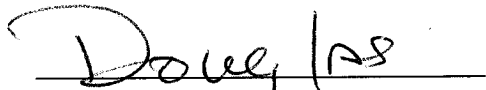
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of child abuse and neglect. Eighth Judicial District Court, Clark County; Doug Smith, Judge.

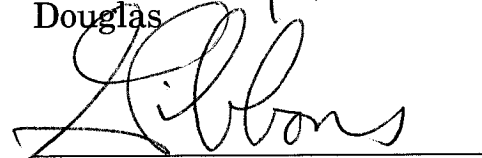
Appellant Tavis M. Anderson contends that he was denied the right to counsel in separate misdemeanor proceedings because as a result of entering a guilty plea in those proceedings, he was subject to a prison sentence in this case. Anderson's contention regarding the denial of the right to counsel in separate proceedings is not properly raised in this appeal.

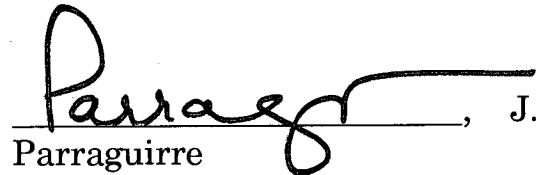
Anderson also contends that the district court erred by determining that he breached the guilty plea agreement without first conducting an evidentiary hearing. See Gamble v. State, 95 Nev. 904, 908, 604 P.2d 335, 337 (1979). The guilty plea agreement provided that if Anderson committed "a new criminal offense prior to sentencing the State of Nevada would regain the full right to argue for any lawful sentence." At sentencing, Anderson, through defense counsel, admitted to violating the law after entry of the guilty plea. Under these circumstances, we conclude that no evidentiary hearing was necessary. See Villalpando v. State, 107 Nev. 465, 467-68, 814 P.2d 78, 80 (1991) (where defendant was clearly to

blame for the breach of the plea agreement, no evidentiary hearing to determine blameworthiness was necessary). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Doug Smith, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk