

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH KNEBL A/K/A JOSEPH
CHARLES KNEBL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58236

FILED

JAN 12 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY J. Molina
DEPUTY CLERK

ORDER OF AFFIRMANCE

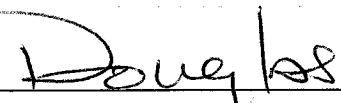
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.


Appellant Joseph Knebl contends that the district court erred by denying his presentence motion to withdraw his guilty plea. Knebl argues that he was incompetent at the time he entered his plea and therefore it was not knowing, intelligent, and voluntary. We review the district court's decision for abuse of discretion. Molina v. State, 120 Nev. 185, 191, 87 P.3d 533, 538 (2004); see also Ogden v. State, 96 Nev. 697, 698, 615 P.2d 251, 252 (1980) (reviewing competency determination to see if it is supported by substantial evidence).

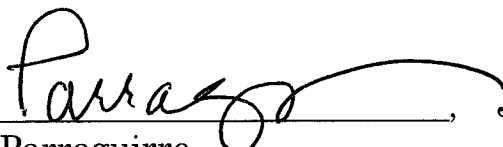
The district court determined that Knebl was competent on December 10, 2009, based on the findings of two psychologists who both found Knebl competent to stand trial. See NRS 178.415(1). Knebl then entered a guilty plea on January 12, 2010, after consulting with his attorney and being thoroughly canvassed by the district court. See Molina, 120 Nev. at 191, 87 P.3d at 537-38 (explaining that a guilty plea is presumptively valid, especially when entered on the advice of counsel following a thorough plea canvass). At that time, Knebl's attorney did not

question Knebl's competency. More than six months later, the district court determined that Knebl was incompetent based on the findings of two psychologists and he was committed to Lake's Crossing Center. Knebl was later released from Lake's Crossing, determined to be competent, and a motion to withdraw his guilty plea was denied by the district court. Because the district court's December 10, 2009, competency determination was supported by substantial evidence, see Calvin v. State, 122 Nev. 1178, 1182, 147 P.3d 1097, 1099 (2006), and Knebl was not found to be incompetent until six months after he entered his guilty plea, Melchor-Gloria v. State, 99 Nev. 174, 180, 660 P.2d 109, 113 (1983) (explaining that the test for competency involves the defendant's "present ability to consult with his lawyer" (emphasis added)), we cannot conclude that the district court abused its discretion by denying Knebl's presentence motion to withdraw his guilty plea. Accordingly, we

ORDER the judgment of conviction AFFIRMED.¹


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

¹Because Knebl is represented by counsel in this matter, we decline to grant appellant permission to file documents in proper person in this court. See NRAP 46(b). Accordingly, this court shall take no action on and shall not consider the proper person documents Knebl has submitted to this court in this matter.

cc: Hon. Elissa F. Cadish, District Judge
Ornoz Law Offices
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk
Joseph Knebl