

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL D. TELLIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58400

FILED

NOV 21 2011

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

ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted murder. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

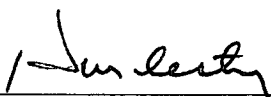
Appellant Michael Deshann Tellis contends that the district court abused its discretion by denying his presentence motion to withdraw his guilty plea. Tellis claims that his plea was not knowingly and voluntarily entered because his counsel coerced him into signing a plea agreement by informing him that the plea agreement was the only manner to resolve the charges against him and that it was the “best” Tellis was going to get, and the alternative was life in prison.”

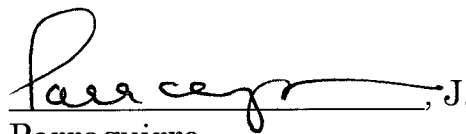
We presume that the district court correctly assessed the validity of a plea on a motion to withdraw the plea and will not reverse its decision absent an abuse of discretion. Molina v. State, 120 Nev. 185, 191, 87 P.3d 533, 538 (2004). The district court conducted an evidentiary hearing, noted that Tellis had denied any coercion during the plea canvass, and determined that Tellis was correctly informed by his counsel that he had the option of either pleading guilty or going to trial and facing a harsher sentence if convicted, and Tellis’s dissatisfaction with his options or his counsel’s recommendation was not sufficient cause to allow

him to withdraw his plea. See Crawford v. State, 117 Nev. 718, 721, 30 P.3d 1123, 1125 (2001) (“District courts may grant a motion to withdraw a guilty plea prior to sentencing for any substantial, fair, and just reason.”); Molina, 120 Nev. at 191, 87 P.3d at 537 (“A district court must examine the totality of the circumstances to determine whether a defendant entered his plea voluntarily, knowingly, and intelligently.”). The written plea agreement and transcripts of the plea canvass and evidentiary hearing support the district court’s finding that Tellis entered his plea voluntarily, knowingly, and intelligently. See Crawford, 117 Nev. at 721-22, 30 P.3d at 1125-26 (“A thorough plea canvass coupled with a detailed, consistent, written plea agreement supports a finding that the defendant entered the plea voluntarily, knowingly, and intelligently.”). Therefore, we conclude that the district court did not abuse its discretion by denying Tellis’s motion to withdraw his guilty plea.¹ Accordingly, we

ORDER the judgment of conviction AFFIRMED.

 _____, J.
Douglas

 _____, J.
Hardesty

 _____, J.
Parraguirre

¹We note that Tellis also complains that improperly prescribed medications rendered him incompetent at the time of plea negotiations. However, this argument was not addressed in his presentence motion to withdraw his guilty plea. Furthermore, there is nothing in the record, other than Tellis’s own self-serving statements at the evidentiary and sentencing hearings, to indicate that he had cognitive difficulties when he entered the plea.

cc: Hon. Michelle Leavitt, District Judge
Sanft Law, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk