

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREG THOMAS LARSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58567

FILED

DEC 07 2011

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of discharging a firearm at or into a room, apartment, and/or building. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

Appellant Greg Thomas Larson contends that the district court abused its discretion by denying his presentence motion to withdraw his guilty plea because the State breached the plea agreement. Larson claims that the prosecutor initially agreed not to object to his release on his own recognizance upon entry of his guilty plea. However, after he pled guilty, he contends that the prosecutor breached the agreement by objecting to his release on his own recognizance and informing the district court that the State had no objection to Larson's "own recognizance release to an inpatient program."

A district court may grant a presentence motion to withdraw a guilty plea "for any substantial, fair, and just reason." Crawford v. State, 117 Nev. 718, 721, 30 P.3d 1123, 1125 (2001); see also Molina v. State, 120 Nev. 185, 191, 87 P.3d 533, 537 (2004). We presume that the district court correctly assessed the validity of a plea on a motion to withdraw the plea, and review its decision for abuse of discretion. See Molina, 120 Nev. at 191, 87 P.3d at 538. The district court, after reviewing the plea canvass,

found that Larson's plea was freely and voluntarily entered, and determined that he did not provide a valid basis to withdraw his plea. See id. at 191, 87 P.3d at 537-38 ("A district court must examine the totality of the circumstances to determine whether a defendant entered his plea voluntarily, knowingly, and intelligently."). Larson's plea canvass and written plea agreement were consistent and neither mentioned an agreement by the State not to object to Larson's release on his own recognizance. See Crawford, 117 Nev. at 722, 30 P.3d at 1126 ("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."). Rather, both the written agreement and the plea canvass provided that the State agreed not to object to Larson's placement in a treatment program, which corroborates the State's assertion before the district court that its agreement as to Larson's release was conditioned on his placement in an inpatient treatment program. Furthermore, Larson confirmed when he entered his plea that he had not received any promises to induce him to plead guilty. Therefore, we conclude that the district court did not abuse its discretion in denying Larson's motion to withdraw his guilty plea. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: Hon. Brent T. Adams, District Judge
Michael V. Roth
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk