

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILADELFO MORAN-GALENO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 59043

**FILED**

**FEB 13 2013**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *J. Malone*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

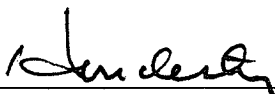
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of second-degree murder with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Senior. Judge.

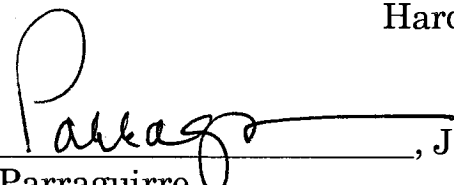
Appellant Filadelfo Moran-Galeno claims that the district court abused its discretion by denying his presentence motion to withdraw the guilty plea, in which he alleged that the plea was not knowingly entered because he did not have an interpreter present when the plea was explained to him by counsel or when being canvassed by the district court. We disagree.

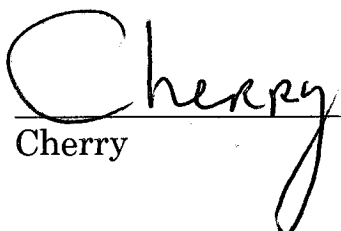
A district court may grant a presentence motion to withdraw a guilty plea for any substantial, fair, and just reason, and this court will not reverse the district court's determination absent an abuse of discretion. Crawford v. State, 117 Nev. 718, 721, 30 P.3d 1123, 1125 (2001). The district court conducted an evidentiary hearing at which Moran-Galeno, his plea counsel, and the detective who interviewed him testified. His counsel and the detective testified that although an interpreter was present during the interview with Moran-Galeno and at

the preliminary hearing in an abundance of caution, Moran-Galeno never needed the assistance of the interpreter. Counsel further testified that they met with Moran-Galeno numerous times and never needed to speak Spanish or have an interpreter present to communicate with him. Although the plea agreement was not read to Moran-Galeno in Spanish or translated into Spanish, counsel spent 20-25 minutes reviewing the plea agreement with him and counsel was convinced that he understood its terms. During the plea canvass, Moran-Galeno responded appropriately to all questions asked by the judge, did not limit himself to yes or no answers, and indicated that he understood the terms of the plea agreement, including the potential sentence he was facing. The district court determined that Moran-Galeno understood the consequences of his plea and the range of punishment he was facing and, under the totality of the circumstances, his plea was knowingly and voluntarily entered. The record supports the district court's determination and we conclude that the district court did not abuse its discretion by denying Moran-Galeno's presentence motion to withdraw the guilty plea. See id. at 721-22, 90 P.3d at 1125-26. Therefore, we

ORDER the judgment of conviction AFFIRMED.

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

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cherry

cc: Chief Judge, Eighth Judicial District Court  
Hon. Joseph T. Bonaventure, Senior Judge  
Kocka & Bolton  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk