

IN THE SUPREME COURT OF THE STATE OF NEVADA

ISIDRO VAZQUEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59799

FILED

NOV 15 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY H. Anderson
DEPUTY CLERK

ORDER OF AFFIRMANCE

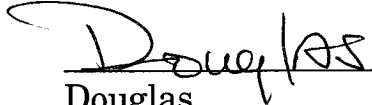
This is an appeal from a judgment of conviction entered pursuant to a guilty plea of theft. First Judicial District Court, Carson City; James Todd Russell, Judge.


Appellant Isidro Vazquez contends that the district court erred by denying his presentence motion to withdraw his guilty plea because defense counsel did not inform him of the specific immigration consequences of the plea. "This court will not reverse a district court's determination concerning the validity of a plea absent a clear abuse of discretion." Johnson v. State, 123 Nev. 139, 144, 159 P.3d 1096, 1098 (2007). Here, the district court conducted an evidentiary hearing and found that (1) Vazquez acknowledged in the written plea agreement and during the plea canvass that he could be deported as a consequence of his plea, (2) both of his attorneys warned him that he would likely or probably be deported as a result of the guilty plea, and (3) both attorneys advised him to consult with an immigration attorney before entering his plea. The record on appeal supports the district court's factual findings, and we conclude that Vazquez has failed to demonstrate that the district court abused its discretion by denying his presentence motion to withdraw his guilty plea. See Molina v. State, 120 Nev. 185, 190, 87 P.3d 533, 537

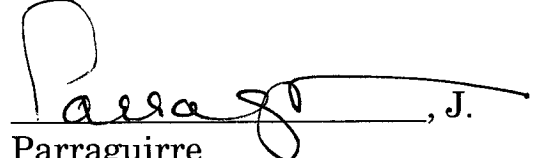
(2004) (defendant bears the burden of proving that plea is invalid).

Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. James Todd Russell, District Judge
Ian E. Silverberg
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk