

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES MATTHEW WIRTH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60323

FILED

NOV 15 2012

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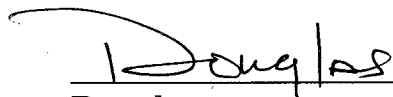
ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to an Alford plea, of open or gross lewdness; open or gross lewdness, second offense; and attempted sexual assault. Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.

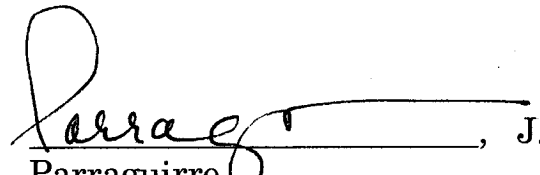
Appellant Charles Wirth argues that the district court erred by denying his presentence motion to withdraw his guilty plea because he was not sufficiently informed that he would be subject to lifetime supervision. We disagree. A guilty plea is presumptively valid, and a defendant carries the burden of establishing that the plea was not entered knowingly and intelligently. Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986); see also Hubbard v. State, 110 Nev. 671, 675, 877 P.2d 519, 521 (1994). This court will not reverse a district court's determination concerning the validity of a plea absent a clear abuse of discretion. Hubbard, 110 Nev. at 675, 877 P.2d at 521. In determining the validity of a guilty plea, this court looks to the totality of the circumstances to determine if the defendant understood the consequences of the plea. State v. Freese, 116 Nev. 1097, 1105 13 P.3d 442, 448 (2000); Bryant, 102 Nev. 268, 721 P.2d 364.

Here, the district court heard testimony from counsel that he explained to Wirth, on numerous occasions, that lifetime supervision would be a result of pleading guilty and that Wirth was aware that it would be required. Although counsel spoke generally, and without regard to the specific conditions Wirth would be subjected to, the conditions of lifetime supervision applicable to a specific individual are not generally determined until shortly before release and therefore all that is constitutionally required is that the appellant was aware that he would be subject to the consequence of lifetime supervision before entry of the plea. Palmer v. State, 118 Nev. 823, 830-31, 59 P.3d 1192, 1197 (2002). The plea canvass also demonstrates that Wirth was aware that lifetime supervision would result. We thereby conclude that the district court did not abuse its discretion in denying Wirth's motion to withdraw his guilty plea. Crawford v. State, 117 Nev. 718, 721, 30 P.3d 1123, 1125 (2001) ("When reviewing a district court's denial of a motion to withdraw a guilty plea, this court presumes that the district court properly assessed the plea's validity, and we will not reverse the lower court's determination absent abuse of discretion."). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Kimberly A. Wanker, District Judge
Robert M. Draskovich, Chtd.
Nye County District Attorney
Attorney General/Carson City
Nye County Clerk