

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE NACIEL MENDOZA-GUERRERO
A/K/A JOSE GUERRERO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61526

FILED

MAY 15 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Anger*
DEPUTY CLERK

ORDER OF AFFIRMANCE

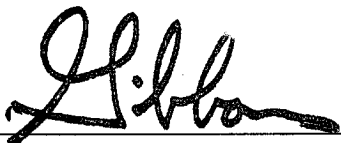
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of conspiracy to commit trafficking in a controlled substance and trafficking in a controlled substance. Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.

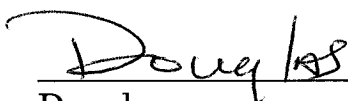
Appellant contends that the district court erred by denying his presentence motion to withdraw his guilty plea in which he alleged the plea was invalid because the district court did not canvass and advise him regarding the stipulated prison sentences or the immigration consequences of his plea.


“District courts may grant a motion to withdraw a guilty plea prior to sentencing for any substantial, fair, and just reason.” *Crawford v. State*, 117 Nev. 718, 721, 30 P.3d 1123, 1125 (2001). We presume the district court correctly assessed the validity of appellant’s plea and review the denial of appellant’s motion to withdraw his plea for a clear showing of an abuse of discretion. *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986). “An abuse of discretion occurs if the district court’s decision is arbitrary or capricious or if it exceeds the bounds of law or reason.” *Jackson v. State*, 117 Nev. 116, 120, 17 P.3d 998, 1000 (2001).

Appellant pleaded guilty while represented by counsel and assisted by a court interpreter. During the court's canvass, appellant confirmed that the interpreter had done a site translation of the guilty plea agreement for him and that he thoroughly understood all of the contents of the written agreement, which included separate sections addressing the stipulated sentences and the possible immigration consequences of his plea. We discern no abuse of discretion by the district court in denying appellant's presentence motion to withdraw his guilty plea. *See Rubio v. State*, 124 Nev. 1032, 1040, 194 P.3d 1224, 1229-30 (2008); *Crawford v. State*, 117 at 721-22, 30 P.3d at 1125-26. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Valorie J. Vega, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk