

IN THE SUPREME COURT OF THE STATE OF NEVADA

NATHAN PERREIRA A/K/A NATHAN
KALEO PERREIRA,
Appellants,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61574

NATHAN KALEO PERREIRA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61575

FILED

MAY 15 2013

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

ORDER OF AFFIRMANCE

These are consolidated appeals from judgments of conviction, pursuant to guilty pleas, of trafficking in a controlled substance and felon in possession of a firearm. Eighth Judicial District Court, Clark County; Lee A. Gates, Sr. Judge; Jerome T. Tao, Judge.

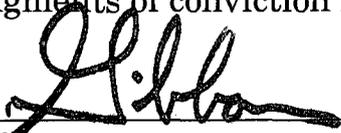
Appellant Nathan Perreira contends that the district courts erred by denying his presentence motions to withdraw his guilty pleas.¹ Perreira claims that his pleas were not knowing and voluntary because (1) he was not aware that the sentence recommendation agreed to by the parties pursuant to negotiations was not binding on the district court, and

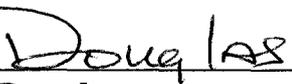
¹The Honorable J. Charles Thompson, Senior Judge, denied Perreira's motion in district court case no. C278170 (docket no. 61574), and he was sentenced by the Honorable Lee A. Gates, Senior Judge. The Honorable Jerome T. Tao, District Judge, denied Perreira's motion in district court case no. C278173 (docket no. 61575). Perreira filed identical motions in both cases.

(2) his competency was not evaluated prior to the entry of his pleas. We disagree with Perreira's contention.

"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). Perreira failed to either provide a *substantial* reason which required the withdrawal of his guilty pleas, *see Woods v. State*, 114 Nev. 468, 475, 958 P.2d 91, 95 (1998), or satisfy his burden and prove that his pleas were invalid, *see Molina v. State*, 120 Nev. 185, 190, 87 P.3d 533, 537 (2004). We also note that Perreira did, in fact, receive the sentence the parties agreed to recommend pursuant to the written plea agreement: he was adjudicated as a "small" habitual criminal pursuant to NRS 207.010(1)(a) and sentenced to serve two concurrent prison terms of 60-150 months. We conclude that the district courts did not abuse their discretion by denying Perreira's motions and he is not entitled to relief. Accordingly, we

ORDER the judgments of conviction AFFIRMED.²


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

²Although we filed Perreira's fast track statement, it fails to comply with the Nevada Rules of Appellate Procedure. The brief does not contain margins in compliance with NRAP 3C(h)(1) and NRAP 32(a)(4). Counsel for Perreira is cautioned that the failure to comply with the briefing requirements in the future may result in the imposition of sanctions. *See* NRAP 3C(n).

cc: Chief Judge, The Eighth Judicial District Court
Lee A. Gates, Senior Judge
Jerome T. Tao, District Judge
Patti, Sgro & Lewis
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk