

IN THE SUPREME COURT OF THE STATE OF NEVADA

TONY SMITH A/K/A TONY LEE
SMITH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63161

FILED

SEP 18 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of grand larceny. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

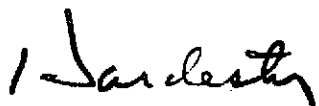
First, appellant Tony Smith contends that the State failed to present sufficient evidence to bind him over for trial. Smith waived this claim when he entered his guilty plea. *See Webb v. State*, 91 Nev. 469, 538 P.2d 164 (1975) (“[A] guilty plea represents a break in the chain of events which has preceded it in the criminal process. . . . [A defendant] may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea.” (first alteration in original) (quoting *Tollett v. Henderson*, 411 U.S. 258, 267 (1973))).

Second, Smith contends that the district court erred in denying his motion to withdraw his guilty plea. Smith asserted below that he should be able to withdraw his conditional plea because the district court could not ensure that the California Department of Corrections ran his sentences concurrently. Smith failed to meet his burden of demonstrating a “substantial, fair, and just reason” to withdraw his guilty

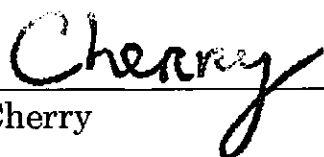
plea. *Crawford v. State*, 117 Nev. 718, 721, 30 P.3d 1123, 1125 (2001). Smith was informed of the potential sentence he faced by pleading guilty. Further, the district court permitted Smith to enter a conditional plea that allowed him to withdraw his plea if he did not receive the stipulated punishment. The district court then sentenced him to the stipulated punishment of 12-30 months imprisonment, concurrent to his sentence in California. As the district court did everything within its authority to ensure Smith received the sentence to which he agreed, we conclude that the district court did not abuse its discretion in denying the motion to withdraw the guilty plea. *See Molina v. State*, 120 Nev. 185, 191, 87 P.3d 533, 538 (2004).

Having reviewed Smith's contentions and concluded that they lack merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Elissa F. Cadish, District Judge
Sandra L. Stewart
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk