

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANGEL TORRES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 63983

**FILED**

OCT 15 2014

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


*ORDER OF AFFIRMANCE*

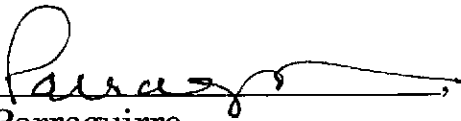
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of second-degree kidnapping and child abuse and neglect with substantial bodily harm. Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

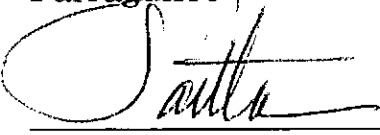
Appellant argues that the district court erred by denying his presentence motion to withdraw his guilty plea because he was not provided with the child victim's hospital records before entry of his guilty plea and therefore he was unable to make a reasoned and informed decision to plead guilty. NRS 176.165 permits a defendant to file a motion to withdraw a guilty plea before sentencing. The district court may grant such a motion in its discretion for any substantial reason that is fair and just. *State v. Second Judicial Dist. Court*, 85 Nev. 381, 385, 455 P.2d 923, 926 (1969). "On appeal from a district court's denial of a motion to withdraw a guilty plea, this court 'will presume that the lower court correctly assessed the validity of the plea, and we will not reverse the lower court's determination absent a clear showing of an abuse of discretion.'" *Riker v. State*, 111 Nev. 1316, 1322, 905 P.2d 706, 710 (1995) (quoting *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986)).

Here, the evidentiary hearing transcripts reveal that the State provided counsel with the hospital records on the morning of the third day of trial. Before counsel had the opportunity to fully review them, appellant insisted on engaging in plea negotiations, which resulted in him pleading guilty to second-degree kidnapping and child abuse and neglect with substantial bodily harm. We conclude that appellant has failed to demonstrate that the district court abused its discretion by denying his presentence motion to withdraw his guilty plea. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Jerome T. Tao, District Judge  
Law Office of Betsy Allen  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk