

IN THE SUPREME COURT OF THE STATE OF NEVADA

ARNOLDO CANO PORTILLO A/K/A
ARNOLD CANO PORTILLO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65682

FILED

NOV 12 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of trafficking in a controlled substance. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

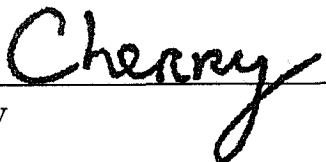
Appellant contends that the district court abused its discretion by denying his presentence motion to withdraw his guilty plea, wherein he alleged that he did not understand the consequences of pleading guilty and felt pressured by counsel to plead guilty. A district court may grant a presentence motion to withdraw a guilty plea for any substantial reason that is fair and just. *Crawford v. State*, 117 Nev. 718, 721, 30 P.3d 1123, 1125 (2001); *State v. Second Judicial Dist. Court*, 85 Nev. 381, 385, 455 P.2d 923, 926 (1969); see NRS 176.165. "To determine whether the defendant advanced a substantial, fair, and just reason to withdraw a plea, the district court must consider the totality of the circumstances to determine whether the defendant entered the plea voluntarily, knowingly, and intelligently." *Crawford*, 117 Nev. at 721-22, 30 P.3d at 1125-26. Here, the district court considered the guilty plea agreement, the plea canvass, and appellant's evasive demeanor at the evidentiary hearing, and concluded that the plea was voluntarily, knowingly, and intelligently

entered. *See id.* at 722, 30 P.3d at 1126 (“A thorough plea canvass coupled with a detailed, consistent, written plea agreement supports a finding that the defendant entered the plea voluntarily, knowingly, and intelligently.”). We conclude that the district court did not abuse its discretion. *See Riker v. State*, 111 Nev. 1316, 1322, 905 P.2d 706, 710 (1995) (“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.’” (quoting *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986))). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Douglas W. Herndon, District Judge
Nguyen & Lay
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk