

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSE SANCHEZMEJIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66032

FILED

MAR 17 2015

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 Conspiracy to Violate the Uniform Controlled Substances Act. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.


Appellant claims that the district court abused its discretion by denying his presentence motion to withdraw his guilty plea. He asserts that withdrawal was warranted because his counsel failed to explain possible defenses to the charge and only warned him that he faced a potential life sentence.

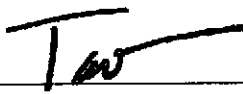
A defendant may move to withdraw a plea before sentencing, NRS 176.165, and the district court may, in its discretion, grant such a motion "for any substantial, fair, and just reason." *Crawford v. State*, 117 Nev. 718, 721, 30 P.3d 1123, 1125 (2001). "To determine whether the defendant advanced a substantial, 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." *Id.* at 721-22, 30 P.3d at 1125-26. "On appeal from a district court's denial of a motion to withdraw a guilty plea, [we] 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) (internal quotation marks omitted).

Here, the district court concluded that appellant's claims were belied by the record and the record supports the district court's conclusions. Appellant acknowledged in the guilty plea agreement that he had discussed possible defenses with his counsel. Appellant also stated at the plea canvass that he had discussed the case with his counsel and that counsel had answered all of his questions. Our review of the record reveals that appellant failed to either provide a substantial, fair, and just reason which required the withdrawal of his plea, *see Crawford*, 117 Nev. at 721, 30 P.3d at 1125, or satisfy his burden and prove that his plea was invalid, *see Molina v. State*, 120 Nev. 185, 190, 87 P.3d 533, 537 (2004). We conclude that the district court did not abuse its discretion by denying appellant's presentence motion to withdraw his guilty plea, *see Johnson v. State*, 123 Nev. 139, 144, 159 P.3d 1096, 1098 (2007), and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Stefany Miley, District Judge
Thomas Michaelides
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk