

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRY DUANE BASS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66456

FILED

JUL 21 2015


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


ORDER OF REVERSAL AND REMAND

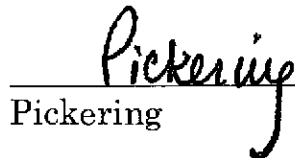
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of removal, damage, or destruction of certain property to obtain scrap metal. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

Appellant Terry Duane Bass contends that the district court abused its discretion by denying his presentence motion to withdraw his guilty plea because the plea was not knowingly and intelligently entered. *See Crawford v. State*, 117 Nev. 718, 721-22, 30 P.3d 1123, 1125-26 (2001); *see also Riker v. State*, 111 Nev. 1316, 1322, 905 P.2d 706, 710 (1995). We agree. Bass pleaded guilty to destroying an air conditioning unit to obtain scrap metal causing an interruption in the services provided by a utility company, a violation of NRS 202.582(3). However, Bass was not aware when he pleaded guilty that the acts he was admitting to committing did not constitute a violation of NRS 202.582(3). Thus, his plea was not knowingly and voluntarily entered. *See McCarthy v. United States*, 394 U.S. 459, 467 (1969); *Rubio v. State*, 124 Nev. 1032, 1038, 194 P.3d 1224, 1228 (2008). Accordingly, we

ORDER the judgment of conviction REVERSED AND
REMAND this matter to the district court for proceedings consistent with
this order.¹


_____, J.
Saitta


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Michael Villani, District Judge
Law Offices of Martin Hart, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹Because we have concluded that relief is warranted on this claim,
we need not consider Bass' other contentions.