

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FAISON OSHEA DANTE SHANNON,
A/K/A FAISON SHANNON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70789

FILED

SEP 13 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Faison Oshea Dante Shannon appeals from a judgment of conviction, pursuant to a guilty plea, of sex trafficking and first-degree kidnapping. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

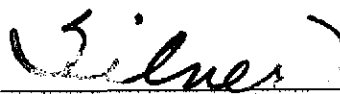
Shannon argues the district court erred in denying his presentence motion to withdraw his guilty plea. A defendant may move to withdraw a guilty plea before sentencing, NRS 176.165, and “a district court may grant a defendant’s motion to withdraw his guilty plea before sentencing for any reason where permitting withdrawal would be fair and just,” *Stevenson v. State*, 131 Nev. ___, ___, 354 P.3d 1277, 1281 (2015). In considering the motion, “the district court must consider the totality of the circumstances to determine whether permitting withdrawal of a guilty plea before sentencing would be fair and just.” *Id.*

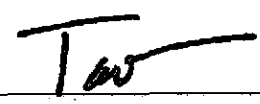
In his motion, Shannon asserted he should be entitled to withdraw his guilty plea because he suffered from extreme anxiety and did not understand the scope of the guilty plea agreement when he entered his plea. Shannon also asserted he had not taken his prescription medication for his mental health issues on the day he entered his guilty plea.

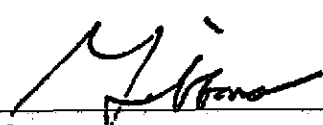
The district court conducted an evidentiary hearing regarding the motion and Shannon's prior counsel testified at the hearing. Counsel testified he explained the entire agreement to Shannon, including the potential consequences Shannon faced, and counsel stated he was satisfied Shannon understood the terms of the guilty plea agreement. Counsel further testified he knew Shannon had been prescribed medication for mental health issues, but stated Shannon never acted as if he did not understand the proceedings. The district court found there were no indications lack of medication affected Shannon. The district court further found Shannon acted as if he understood the guilty plea agreement and did not appear overly anxious when he entered his guilty plea. The district court concluded the totality of the circumstances did not demonstrate a fair and just reason to permit Shannon to withdraw his guilty plea.

We conclude Shannon has not demonstrated the district court abused its discretion by denying his motion to withdraw his guilty plea. See *Hubbard v. State*, 110 Nev. 671, 675, 877 P.2d 519, 521 (1994). Therefore, Shannon fails to demonstrate he is entitled to relief, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Douglas W. Herndon, District Judge
Gilliam Law Group
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk