

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEMANS BOWLES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72573

FILED

APR 11 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Demans Bowles appeals from a judgment of conviction entered pursuant to a guilty plea of robbery. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Bowles claims the district court abused its discretion by denying his motion to withdraw his guilty plea because defense counsel coerced him into accepting the guilty plea agreement by advising him he was eligible for probation and not advising him about his eligibility for habitual criminal treatment. Bowles further claims he was confused by the hearing master's plea canvass because she specifically informed him he was eligible for probation and the district court did not have to follow the sentence stipulated to by the parties.


The district court reviewed the pleadings, transcripts, and documents on file in this case and made the following findings. Bowles acknowledged in his written plea agreement he was not acting under duress or coercion or by virtue of any promises of leniency and his attorney answered all of his questions regarding the guilty plea agreement and its consequences to his satisfaction. Bowles was thoroughly canvassed when he entered his guilty plea. Bowles acknowledged during the plea canvass

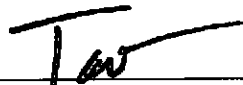
he understood the consequences of his guilty plea, robbery is a probationable offense, and sentencing is strictly up to the district court. Bowles knowingly, voluntarily, and intelligently entered his guilty plea. And there was no fair and just reason for allowing Bowles to withdraw his guilty plea.


The record demonstrates the district court applied the correct standard for resolving Bowles' presentence motion to withdraw his guilty plea, *see Stevenson v. State*, 131 Nev. ___, ___, 354 P.3d 1277, 1281 (2015), and we conclude the district court did not abuse its discretion by denying Bowles' motion, *see State v. Second Judicial Dist. Court (Bernardelli)*, 85 Nev. 381, 385, 455 P.2d 923, 926 (1969) (The district court's ruling on a presentence motion to withdraw a guilty plea "is discretionary and will not be reversed unless there has been a clear abuse of that discretion.").

Bowles also claims the district court abused its discretion by denying his motion to strike the State's untimely notice of habitual criminality. However, Bowles previously raised this claim in a petition for a writ of mandamus and it was rejected by the Nevada Supreme Court, which concluded "[t]he district court did not arbitrarily and capriciously exercise its discretion in continuing sentencing based on its calendar or in denying the motion to strike the notice of habitual criminal adjudication in the circumstances presented in this case." *Bowles v. Eighth Judicial Dist. Court*, Docket No. 70120 (Order Denying Petition, June 10, 2016). Accordingly, Bowles' claim is barred by the doctrine of the law of the case. *See Hall v. State*, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975) ("The doctrine of the law of the case cannot be avoided by a more detailed and precisely focused argument subsequently made after reflection upon the previous proceedings.").

Having concluded Bowles is not entitled to relief, we
ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

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