

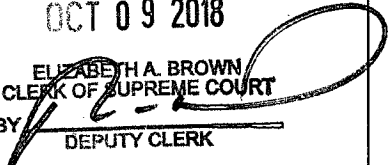
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DONALD WELCH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74223

FILED

OCT 09 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Donald Welch appeals from a judgment of conviction, pursuant to a guilty plea, for exploitation of an older person. Third Judicial District Court, Lyon County; John Schlegelmilch, Judge.


Welch contends the district court abused its discretion when it denied 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. 598, 604, 354 P.3d 1277, 1281 (2015). We presume the district court correctly assessed the validity of the plea and will not reverse its decision absent an abuse of discretion. *Molina v. State*, 120 Nev. 185, 191, 87 P.3d 533, 538 (2004).


Welch argued his guilty plea was entered unknowingly because he had been suffering from severe depression and anxiety as a result of the case against him, had overmedicated himself in an attempt to get sleep, but did not get sufficient sleep the night before entering his guilty plea. The district court held an evidentiary hearing on Welch’s motion, but despite assurances he would do so, Welch introduced no medical records to support

his claims. Welch's claims did not demonstrate he entered his guilty plea unknowingly. And he did not argue there was any other fair and just reason for withdrawing his plea. We therefore conclude the district court did not abuse its discretion by denying Welch's motion to withdraw his guilty plea. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. John Schlegelmilch, District Judge
Mouritsen Law
Attorney General/Carson City
Lyon County District Attorney
Third District Court Clerk