

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID GORDON MOUNTFORD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73244-COA

FILED

NOV 06 2018

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

ORDER OF AFFIRMANCE

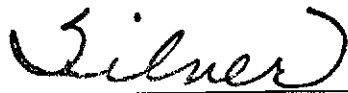
David Gordon Mountford appeals from a judgment of conviction, entered pursuant to a guilty plea, of burglary. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.


Mountford 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).


Mountford argued his guilty plea was entered unknowingly and involuntarily because his schizophrenia and depression was untreated at the time he entered his plea and counsel failed to provide him with all of his discovery. Mountford failed to support his claims with facts sufficient to demonstrate his plea was unknowingly and involuntarily entered. And he

did not argue there was any other fair and just reason for withdrawing his plea. Further, Mountford failed to demonstrate cumulative error. See *Mulder v. State*, 116 Nev. 1, 17, 992 P.2d 845, 854-55 (2000). Therefore, we conclude the district court did not abuse its discretion by denying Mountford's motion to withdraw his guilty plea without first holding an evidentiary hearing. See *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Stefany Miley, District Judge
Jean J. Schwartzer
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk