

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ARGIEL HOLLINS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 74677-COA

**FILED**

MAR 20 2019

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

*ORDER OF AFFIRMANCE*

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


Hollins contends the district court abused its discretion when it denied his presentence motion to withdraw his guilty plea without conducting an evidentiary hearing. 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). 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.* at 603, 354 P.3d at 1281.

Hollins argued he did not fully understand the nature of his guilty plea due to his mental health issues and asserted that he may have been incompetent when he entered his plea. The record demonstrated that Hollins' competency was evaluated after he entered his guilty plea and he was found to be competent. Further, in the written plea agreement and at the plea canvass, Hollins asserted that he understood the plea agreement


and the consequences of entering a guilty plea. In addition, at the plea canvass, Hollins asserted was not taking any medication that impaired his ability to understand the proceedings.

The district court found, based on the totality of the circumstances, Hollins failed to demonstrate a fair and just reason to withdraw his guilty plea, and denied the motion. The record before this court supports the district court's decision and we conclude Hollins 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, we conclude the district court did not err by denying the motion to withdraw 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.

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

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