

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KEISHAWN LASHAWNTAE  
CRANFORD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 68703

**FILED**

MAY 17 2016

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal under NRAP 4(c) from a judgment of conviction entered pursuant to a guilty plea of first-degree kidnapping, robbery with the use of a deadly weapon, and felon in possession of a firearm. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

Appellant Keishawn Cranford claims the district court abused its discretion by denying his presentence motion to withdraw his guilty plea because the plea was the product of defense counsel's threats and Cranford's concerns about defense counsel's competence.

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). To this end, the Nevada Supreme Court recently disavowed the standard previously announced in


*Crawford v. State*, 117 Nev. 718, 30 P.3d 1123 (2001), which focused exclusively on whether the plea was knowingly, voluntarily, and intelligently made, and affirmed that “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.” *Stevenson*, 131 Nev. at \_\_\_, 354 P.3d at 1281.

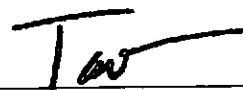
Here, Cranford moved to withdraw his guilty plea because he felt forced or misled into accepting the plea negotiations by defense counsel’s insistence that he take the deal or suffer inadequate representation at trial. The district court conducted an evidentiary hearing and made the following factual findings. Cranford informed defense counsel he wished to negotiate the case instead of proceeding to trial, and he maintained this stance for the most part during counsel’s two years of representation. Counsel persuaded the prosecutor to provide Cranford with three plea negotiation options and advised Cranford on the benefits and drawbacks of each of these options. Counsel “never told [Cranford] that he would not communicate with him or otherwise help him in preparing for and going to trial if he did not accept a plea.” Cranford ultimately accepted one of the plea options and entered a guilty plea. Cranford acknowledged he entered his guilty plea voluntarily in the written plea agreement and during the plea canvass, and the totality of the circumstances further demonstrate Cranford entered his guilty plea voluntarily.


We conclude the record supports the district court’s factual findings, Cranford failed to demonstrate a fair and just reason for

withdrawing his guilty plea, and the district court did not abuse its discretion by denying Cranford's presentence motion. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Silver

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