

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAFAEL ANTONIO REID,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69362

FILED

MAY 17 2016

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


ORDER OF AFFIRMANCE

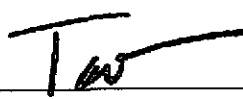
This is an appeal from a judgment of conviction entered pursuant to a guilty plea of attempted sexual assault and robbery. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.


Appellant Rafael Reid claims the district court abused its discretion by denying his presentence motion to withdraw 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. ___, ___, 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 knowing, 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.

Reid claims he should have been able to withdraw his guilty plea because counsel failed to provide him with a copy of the SANE exam report prior to him pleading guilty. He claims this report contained potentially exculpatory evidence and he would not have pleaded guilty had he read the report. Reid fails to allege what this potentially exculpatory evidence was, provide this court with a copy of the SANE exam report, or provide this court with a transcript from the hearing on the motion to withdraw his guilty plea. As the appellant, it is Reid's burden to provide this court with an adequate record for review. *See McConnell v. State*, 125 Nev. 243, 256 n.13, 212 P.3d 307, 319 n.13 (2009). We conclude Reid fails to demonstrate the district court abused its discretion in denying the presentence motion to withdraw the guilty plea, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Michelle Leavitt, District Judge
Sanft Law, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk