

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ERIC CHRISTOPHER HOLDING,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 69604

**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 burglary. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.


Appellant Eric Holding claims the district court erred by denying 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. \_\_\_, \_\_\_, 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.


Holding claims he should have been able to withdraw his guilty plea because his plea counsel coerced him into entering his guilty

plea. Specifically, he claims counsel threatened him by telling him if he did not plead guilty, his wife would be charged as a co-conspirator and their son would be sent to Child Haven. At the evidentiary hearing, counsel testified he never threatened Holding, never told him his wife might be charged as a co-conspirator, and never told him his son might be sent to Child Haven. The district court concluded counsel was credible and denied the motion. We conclude the district court did not abuse its discretion by denying the motion to withdraw the guilty plea, and we

ORDER the judgment of conviction AFFIRMED.

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

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

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

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