

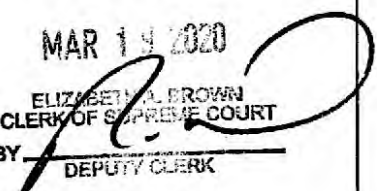
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTONIO LEE MIXON, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78900-COA

FILED

MAR 19 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Antonio Lee Mixon, Jr. appeals from a judgment of conviction entered pursuant to a guilty plea of attempted possession or control of a dangerous weapon or facsimile by an incarcerated person. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Mixon argues the district court abused its discretion by denying his presentence motion to withdraw his guilty plea. Mixon contends the district court erred because it did not specifically address his claim that he was coerced into entering a guilty plea when it denied the motion.

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.


In his motion to withdraw his guilty plea, Mixon contended he was coerced into entering a guilty plea because the State requested a bail

increase. At the hearing concerning the motion, Mixon asserted his plea was not voluntarily entered because he had been unable to examine the weapon. The district court stated that it read Mixon's motion and reviewed the record. The district court found Mixon acknowledged at the plea canvass that he entered his guilty plea knowingly, voluntarily, and freely. The district court also found the record demonstrated Mixon was aware of any evidentiary issues prior to entry of his plea.

The district court found, based on the totality of the circumstances, Mixon did not demonstrate a fair and just reason to permit withdrawal of his guilty plea. After review of the record, we conclude Mixon has not demonstrated the district court failed to address his claims or 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) (reviewing the district court's denial of a motion to withdraw guilty plea for an abuse of discretion). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Valerie Adair, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Attorney General/Las Vegas
Eighth District Court Clerk