

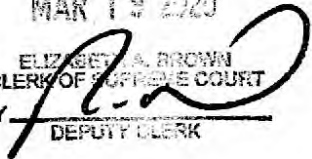
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PAULETTE MARIE GOETZ, A/K/A
PAULETTE MARIE
SCHMIDTBERGER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78452-COA

FILED

MAR 19 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Paulette Marie Goetz appeals from a judgment of conviction entered pursuant to a guilty plea of securities fraud and multiple transactions involving fraud or deception in the course of an enterprise or occupation. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

Goetz argues the district court erred by denying her presentence motion to withdraw her guilty plea. In her motion, Goetz claimed her plea was not entered knowingly, voluntarily, and intelligently because she was under the influence of prescription medication, her attorney told her she would receive probation, she was not given the opportunity to read the written plea agreement, and she was unaware of the ramifications and consequences of pleading guilty to two counts.

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.

The district court reviewed the record and found the record belied Goetz' claims. *See Hargrove v. State*, 100 Nev. 498, 503, 686 P.2d 222, 225 (1984). At the plea canvass, Goetz asserted she had read the written plea agreement, discussed it with her attorney, and understood the agreement. In the written plea agreement and at the plea canvass, Goetz acknowledged that she was not acting under the influence of a controlled substance or other drug that would impair her ability to understand the agreement. In the written plea agreement and at the plea canvass, Goetz asserted she understood the charges against her, the potential sentences she faced, the parties had the right to argue the appropriate sentence, she may be sentenced to serve consecutive terms, and the district court would make the ultimate decision regarding her sentence. In the written plea agreement, Goetz asserted that no one had promised or guaranteed she would receive any particular sentence. In addition, Goetz acknowledged in the written plea agreement and at the plea canvass that she understood that the district court would decide whether she was placed on probation or sent to prison.

Based on the record, the district court found the record demonstrated Goetz entered her guilty plea knowingly, voluntarily, and intelligently. The district court found, based on the totality of the circumstances, Goetz did not demonstrate a fair and just reason to permit withdrawal of her guilty plea. After review of the record, we conclude Goetz has not demonstrated the district court abused its discretion by denying her motion to withdraw her 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. Stefany Miley, District Judge
Mueller & Associates
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk