

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

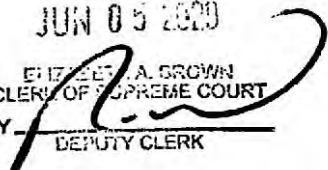
JORGE VASQUEZ-RIVERO, A/K/A  
SALOME RIVERA GUZMAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79139-COA

FILED

JUN 05 2020

ERIN LEE A. GROWN  
CLERK OF SUPREME COURT

BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Jorge Vasquez-Rivero appeals from a judgment of conviction entered pursuant to an *Alford*<sup>1</sup> plea of burglary and second-degree murder. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Vasquez-Rivero argues the district court erred by denying his presentence motion to withdraw his *Alford* plea. In his motion, Vasquez-Rivero contended he should be permitted to withdraw his plea because he was innocent and he was forced to plead guilty because his counsel did not sufficiently review the evidence prior to his 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. 598, 604, 354 P.3d 1277, 1281 (2015). In considering the motion, “the district court must consider the totality of the circumstances to determine

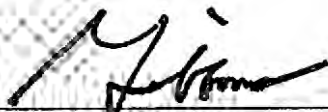
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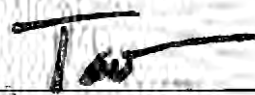
<sup>1</sup>*North Carolina v. Alford*, 400 U.S. 25 (1970).



Vasquez-Rivero also asserts the district court abused its discretion at the evidentiary hearing by sustaining the State's objection concerning the relevance of Vasquez-Rivero's testimony regarding his belief that his wife took valuables from the victim. "District courts are vested with considerable discretion in determining the relevance and admissibility of evidence." *Archanian v. State*, 122 Nev. 1019, 1029, 145 P.3d 1008, 1016 (2006). We conclude Vasquez-Rivero has failed to demonstrate that the district court abused its discretion by concluding the testimony was irrelevant. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Douglas W. Herndon, District Judge  
Nevada Defense Group  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk