

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT PEREZ,

No. 37744

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

DEC 04 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of robbery with the use of a deadly weapon. The district court sentenced appellant to two consecutive prison terms of 24 to 60 months.

Appellant contends that the district court erred by denying his pre-sentencing motion to withdraw his guilty plea. Specifically, appellant argues that the record does not show that he understood the nature of the offense charged, because appellant did not make factual statements to the district court constituting an admission to the offense. This court has previously held that:

if the [district] court makes factual statements concerning the offense, e.g., as here, by way of summary, that are sufficient to constitute an admission to the offense had they been made personally by the accused, then the accused may affirmatively adopt the court's factual statements as true, and thereby admit the offense by adoption.¹

In the instant case, the following exchange occurred:

THE COURT: And it's my understanding, on or about February 28, 2000, you willfully, unlawfully took some property -- feloniously took some property, lawful money of the United States, from the person of Karen Maramaldi, in her presence by means of force or violence or fear of injury to and without her consent and against her will, using a weapon a firearm during the commission of this crime, is that correct?

¹Croft v. State, 99 Nev. 502, 505, 665 P.2d 248, 250 (1983).

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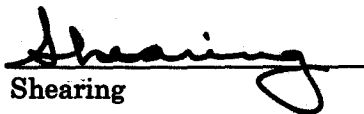
THE DEFENDANT: Yes sir.

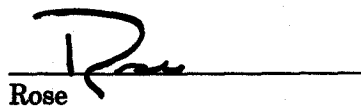
We conclude that appellant affirmatively adopted the factual statement of the district court, and appellant's argument is therefore without merit.

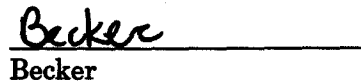
Moreover, during the canvass, appellant informed the district court that he understood the elements of the crime to which he was pleading guilty, that he had read and understood the plea agreement, and that he had signed the plea agreement. Based on the totality of the circumstances, we conclude that the district court correctly found that appellant's plea was validly entered.²

Having considered appellant's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Joseph T. Bonaventure, District Judge
Attorney General/Carson City
Clark County District Attorney
Michael V. Cristalli
Clark County Clerk

²See Bryant v. State, 102 Nev. 268, 721 P.2d 364 (1986); see also State v. Freese, 116 Nev. ___, 13 P.3d 442 (2000).