

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRANDON D. MONGHUR,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 37747

**FILED**

OCT 11 2001

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of battery with the use of a deadly weapon. The district court sentenced appellant to a prison term of 48 to 120 months, and ordered appellant to pay restitution in the amount of \$2,551.92.

Appellant contends that the district court erred by denying his pre-sentencing motion to withdraw his guilty plea.

This court has held:

A guilty plea is presumptively valid, and the defendant has the burden to prove that the plea was not entered knowingly or voluntarily. The district court has the duty to review the entire record and determine whether the plea was valid under the totality of circumstances. This court will not overturn the lower court's decision absent a clear showing of an abuse of discretion.<sup>1</sup>


In the instant case, the record supports the district court's determination that appellant's guilty plea was validly entered.

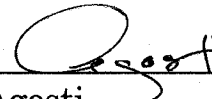
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<sup>1</sup>Barajas v. State, 115 Nev. 440, 442, 991 P.2d 474, 475 (1999) (citations omitted).

Accordingly, the district court did not abuse its discretion by denying appellant's motion to withdraw his plea. We therefore conclude that appellant's contention is without merit, and we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. Jeffrey D. Sobel, District Judge  
Attorney General  
Clark County District Attorney  
Stanley A. Walton  
Clark County Clerk