

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ISIAH TAYLOR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83709-COA

FILED

JUN 1 2022

CLERK OF COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Isiah Taylor appeals from a judgment of conviction entered pursuant to an *Alford*¹ plea of two counts of attempted sexual assault. Eighth Judicial District Court, Clark County; Jasmin D. Lilly-Spells, Judge.

Taylor argues the district court erred by denying his presentence motion to withdraw his guilty plea without first conducting an evidentiary hearing. 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. We review the district court’s decision on a motion to withdraw a guilty plea for an abuse of discretion. *Molina v. State*, 120 Nev. 185, 191, 87 P.3d 533, 538 (2004). To warrant an evidentiary hearing, a defendant must raise claims

¹*North Carolina v. Alford*, 400 U.S. 25 (1970).

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supported by specific factual allegations that are not belied by the record and, if true, would entitle him to relief. *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).

In his motion, Taylor argued that he took medication² and did not understand what was going on during the plea canvass. He stated he "just went with what was said," he thought he was stipulating to probation, he did not think the State had enough evidence to convict him, and he did not trust his lawyer.

At the plea canvass, Taylor answered the questions of the district court appropriately and asked questions at times that were appropriate to the discussion. Taylor indicated he read the plea agreement prior to signing it and he had sufficient time to review the agreement. Further, he indicated he understood the plea and that he was pleading guilty pursuant to *Alford*. Taylor was specifically asked whether he was taking any medication at the time of the plea canvass and he stated he was not. Taylor agreed that no one was forcing him to take the plea and that no promises were made to him regarding his plea other than what was in the guilty plea agreement. Taylor stated he understood he was not eligible for probation and that the parties were stipulating to a sentence of 4 to 20 years in prison. He also indicated he was pleading guilty because it was in his best interests in order to avoid a higher penalty had he gone to trial.

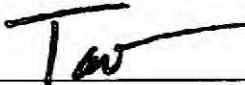
At the hearing concerning Taylor's motion to withdraw guilty plea, the district court noted that the plea canvass was very thorough and that the canvass demonstrated that Taylor understood he was facing 4 to 20 years in prison. The district court subsequently found that, based on the

²Taylor did not allege what medication he took.

totality of the circumstances, Taylor did not demonstrate a fair and just reason to permit withdrawal of his guilty plea. After review of the record, we conclude Taylor did not demonstrate the district court abused its discretion by denying his motion to withdraw his guilty plea without first conducting an evidentiary hearing. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jasmin D. Lilly-Spells, District Judge
Monique A. McNeill
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk