

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

AARON MARIO MEDINA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 83532-COA

FILED

JUL 23 2022

ELIZABETH A. BROWN  
CLERK OF APPEALS COURT  
BY:   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Aaron Mario Medina appeals from a judgment of conviction entered pursuant to an *Alford*<sup>1</sup> plea of attempted sexual assault with a minor under 14 years of age and attempted lewdness with a child under the age of 14. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

Medina argues the district court abused its discretion by denying his presentence motion to withdraw 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 whether permitting withdrawal of a guilty plea before sentencing would be fair and just.” *Id.* at 603, 354 P.3d at 1281.

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

We give deference to the district court's factual findings as long as they are supported by the record. *Id.* at 604, 354 P.3d at 1281. The district court's ruling on a presentence motion to withdraw a guilty plea "is discretionary and will not be reversed unless there has been a clear abuse of that discretion." *State v. Second Judicial Dist. Court (Bernardelli)*, 85 Nev. 381, 385, 455 P.2d 923, 926 (1969).

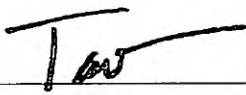
In his motion, Medina argued he should be allowed to withdraw his plea because he was never provided a full set of discovery prior to entering into plea negotiations, his defenses were never fully investigated in preparation for trial, veiled threats were used against his parents which contributed to him agreeing to the plea agreement, he was rushed into an agreement without fully understanding what was happening, and he was more prepared and motivated to engage in plea negotiations than counsel. Medina alleged that these issues were complicated by COVID-19 protocols that prevented him from in-person communication with counsel.

Medina failed to explain what discovery he needed, but was not provided, what defenses were not investigated, how his parents were threatened, what he did not understand prior to entering his plea or how more time would have affected his understanding, how counsel was unprepared or unmotivated, or how in-person meetings with counsel would have impacted plea negotiations or his decision to plead guilty. And Medina presents no cogent argument on appeal as to how the district court erred with regard to these issues. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987).

In light of the totality of the circumstances in this matter, Medina failed to demonstrate a fair and just reason to permit withdrawal of his guilty plea. Therefore, we conclude Medina did not demonstrate the district court abused its discretion by denying his motion to withdraw his guilty plea, and we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Mary Kay Holthus, District Judge  
Mayfield, Gruber & Sanft/Las Vegas  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk