

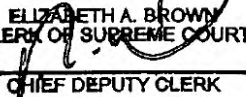
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TALIK DASHAWN BAKER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89204-COA

FILED

SEP 29 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Talik Dashawn Baker appeals from a judgment of conviction, entered pursuant to a guilty plea, of coercion and battery by strangulation. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

Baker claims the district court abused its discretion in denying his presentence motion to withdraw his guilty 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. We give deference to the district court’s factual findings if 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 Jud. Dist. Ct. (Bernardelli)*, 85 Nev. 381, 385, 455 P.2d 923, 926 (1969).

Baker argues the district court should have permitted him to withdraw his guilty plea because (1) he lacked access to allegedly exculpatory evidence based on text messages when he entered into a plea agreement with the State; and (2) the State breached the plea agreement by requesting that he be remanded into custody at the initial sentencing hearing. At the time Baker entered into the plea agreement with the State, he was in custody because he had contacted the victim in violation of a no-contact order. Pursuant to the terms of the plea agreement, the State agreed that it would "not oppose a bail setting of \$15,000.00 after entry of guilty plea in District Court." Baker pleaded guilty at his initial arraignment and was released on \$15,000 bail. Upon his change of plea, the district court ordered Baker to report to the Division of Parole and Probation (Division) for a presentence investigation report (PSI) interview. Baker did not initially report to the Division for the PSI interview, instead returning to his home state. Baker subsequently reported to the Division for the PSI interview shortly before the date set for sentencing.

At the initial sentencing hearing, Baker notified the district court that he wanted to withdraw his guilty plea. The State requested the district court remand Baker into custody due to his failure to timely appear for his PSI interview, his out-of-state residency, its concern that Baker might pose a risk of danger given his prior violation of the no-contact order,

and its concern that Baker was intentionally delaying sentencing. The district court granted the State's request and remanded Baker into custody.¹

The district court conducted a hearing on the motion to withdraw Baker's plea during which it heard from Baker and the victim. The district court found, based on the totality of the circumstances, Baker did not demonstrate a fair and just reason to permit withdrawal of his guilty plea. After review of the record, we conclude Baker has not demonstrated the district court abused its discretion by denying his motion to withdraw his guilty plea. Although Baker may not have had access to his text messages at the time he entered into a plea agreement with the State, he has not demonstrated that this lack of access was a fair and just reason to allow withdrawal of his guilty plea, particularly given that the text messages were between him and the victim and thus that he would have been aware of their existence and content before entering his plea.

As for Baker's claim that the State breached the plea agreement, the State adequately performed its obligations under the agreement because it did not oppose Baker's release on a \$15,000 bond at the change of plea. Furthermore, nothing in the plea agreement prohibited

¹Approximately two months later, Baker was released from custody on the initial \$15,000 bond. Baker was ultimately sentenced to concurrent prison terms of 12 to 60 months on the coercion count and 19 to 48 months on the battery by strangulation count, the sentences were suspended, and he was placed on a term of probation not to exceed 5 years.

the State from requesting Baker be remanded if, as was the case here, there was a change in circumstances. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Susan Johnson, District Judge
Legal Resource Group
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk