

IN THE SUPREME COURT OF THE STATE OF NEVADA

IKEMEFULA CHARLES IBEABUCHI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39265

FILED

AUG 21 2002

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a nolo contendere plea,¹ of one count of battery with intent to commit a crime, and one count of attempted sexual assault.

Appellant contends that the district court erred by denying his pre-sentence motion to withdraw his plea. "[W]hen a defendant brings a motion to withdraw a guilty plea, the trial court has a duty to review the entire record to determine whether the plea was valid."² "On appeal from the district court's determination, we will presume that the lower court correctly assessed the validity of the plea, and we will not reverse the lower court's determination absent a clear showing of an abuse of discretion."³

¹Appellant pleaded guilty pursuant to North Carolina v. Alford, 400 U.S. 25 (1970). Under Nevada law, "whenever a defendant maintains his or her innocence but pleads guilty pursuant to Alford, the plea constitutes one of nolo contendere." State v. Gomes, 112 Nev. 1473, 1479, 930 P.2d 701, 705 (1996).

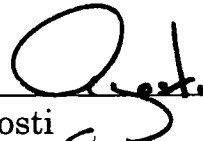
²Mitchell v. State, 109 Nev. 137, 140-41, 848 P.2d 1060, 1061-62 (1993).

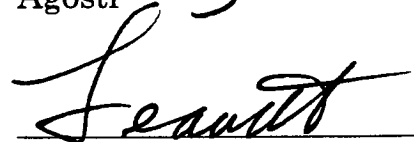
³Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986).

Appellant argues that he should be allowed to withdraw his plea because he had taken his psychiatric medication on the date he entered his plea of guilty. The record indicates, however, that appellant's use of medications, in fact, enabled him to be competent.⁴ Accordingly, we conclude that the district court did not err by denying appellant's motion to withdraw his plea, and we

ORDER the judgment of conviction AFFIRMED.

 J.
Young

 J.
Agosti

 J.
Leavitt

cc: Hon. Joseph T. Bonaventure, District Judge
Clark County Public Defender
Goodman Chesnoff & Keach
Attorney General/Carson City
Clark County District Attorney
Clark County Clerk

⁴See Iverson v. State, 107 Nev. 94, 98, 807 P.2d 1372, 1374-75 (1991) (when the record does not show that a defendant's appreciation of the events was diminished because of medication, the result below will not be disturbed).