IN THE SUPREME COURT OF THE STATE OF NEVADA

MILTON PLUMMER, Appellant, vs. THE STATE OF NEVADA, Respondent.	No. 40170
MILTON PLUMMER, Appellant, vs. THE STATE OF NEVADA, Respondent.	No. 40185

FILED

JUL 9 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

These are appeals from judgments of conviction pursuant to guilty pleas. We elect to consolidate these appeals for disposition.[1]

In district court case number CR012427, appellant Milton Plummer was convicted of robbery with the use of a deadly weapon (Count I) and burglary with the use of a deadly weapon (Count II). He was sentenced to serve two consecutive prison terms of 72 to 180 months for Count I, and a concurrent term of 72 to 180 months for Count II.

In district court case number CR012499, Plummer was convicted of two counts of robbery with the use of a deadly weapon (Counts I and II) and one count of burglary with the use of a deadly weapon (Count III). He was sentenced to serve four consecutive prison terms of 72 to 180 months for Counts I and II, and a consecutive term of 72 to 180 months for Count III. The sentences in case number CR012499 were ordered to run consecutively to the sentences imposed in case number CR012427.

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[1]See NRAP 3(b).

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In both cases, Plummer filed pre-sentence motions to withdraw his guilty pleas. The State opposed the motions. The district court appointed new counsel for Plummer, held an evidentiary hearing, denied the motions, and proceeded to sentence Plummer to the prison terms listed above. On appeal, Plummer argues that the district court improperly denied the motions because he was inadequately canvassed by the court as to any inducements or promises made to him by the State as part of his plea agreements. In particular, Plummer argues that the district court did not closely examine the arrangement by which Plummer and his girlfriend Jennifer McElroy both entered pleas as part of a joint plea arrangement and how their respective pleas "would have affected each other" because they both had to accept the plea offer terms or face trial. We conclude that Plummer's contention lacks merit.

NRS 176.165 permits a defendant to file a motion to withdraw a guilty plea prior to sentencing. The district court may grant such a motion in its discretion for any substantial reason that is fair and just.[2] In order to show that the district court abused its discretion in denying his motion to withdraw, Plummer has the burden of showing that his plea was not entered knowingly and intelligently.[3] In reviewing a ruling on a pre-sentence motion to withdraw a guilty plea, this court "'will presume that the lower court correctly assessed the validity of the plea, and we will not

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[2]State v. District Court, 85 Nev. 381, 385, 455 P.2d 923, 926 (1969).

[3]Hubbard v. State, 110 Nev. 671, 675, 877 P.2d 519, 521 (1994) (citing Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986)). See also Crawford v. State, 117 Nev. 718, 30 P.3d 1123 (2001).

reverse the lower court's determination absent a clear showing of an abuse of discretion.'"[4]

We conclude that Plummer has not demonstrated that his pleas were not entered knowingly and intelligently. We further conclude that the district court did not abuse its discretion by denying his motions. At the plea canvass, the district court asked Plummer if he had been promised anything for pleading guilty beyond that which was in the guilty plea agreements. Plummer answered in the negative. The district court also asked him if anyone had threatened him, his family, or anyone close to him in connection with his plea. He answered "no" to this question as well. Additionally, Plummer stated that he had read and understood the plea memoranda and discussed them with his attorney, and that he understood the consequences of the pleas, the constitutional rights he was giving up, and the potential sentences he faced by pleading guilty. We also note that Plummer gained a substantial benefit by pleading guilty; he avoided habitual offender adjudication and additional charges the State could have brought regarding the incidents in question. Based on the totality of the facts and circumstances surrounding Plummer's guilty pleas, we conclude they were entered knowingly and intelligently.[5]

Plummer also appears to argue that joint plea agreements between co-defendants are inherently coercive, but he does not cite any

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[4]Riker v. State, 111 Nev. 1316, 1322, 905 P.2d 706, 710 (1995) (quoting Bryant, 102 Nev. at 272, 721 P.2d at 368); Hubbard, 110 Nev. at 675, 877 P.2d at 521.

[5]See State v. Freese, 116 Nev. 1097, 1106, 13 P.3d 442, 448 (2000).

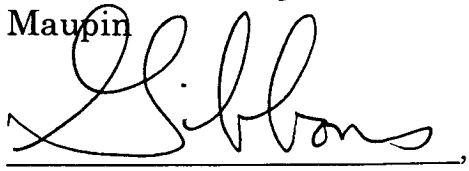
authority for this contention. Therefore, we decline to reach this argument.[6]

Having considered Plummer's claims and concluded that they lack merit, we hereby

ORDER the judgments of conviction AFFIRMED.

_____, J.
Rose

_____, J.
Maupin



_____, J.
Gibbons

cc: Hon. James W. Hardesty, District Judge
Steven L. Sexton
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

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[6]Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) ("It is appellant's responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court").