

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL YOUNGBLOOD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 40363

**FILED**

**DEC 03 2003**

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of sexual assault and one count of battery with intent to commit sexual assault. The district court sentenced appellant to a prison term of 10 to 25 years for sexual assault, and to a consecutive term of 3 to 10 years for battery.

Appellant contends that the district court erred by denying his pre-sentencing motion to withdraw his guilty plea. However, a guilty plea is presumptively valid, and the defendant has the burden of establishing that the plea was not entered knowingly and intelligently.<sup>1</sup> Moreover, this court presumes "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."<sup>2</sup> We conclude that appellant has not demonstrated that his plea was invalid or that the district court erred by denying his motion to withdraw the plea.


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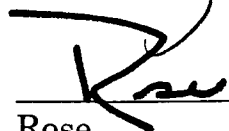
<sup>1</sup>Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986).

<sup>2</sup>Id.

Having considered appellant's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Agosti

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

cc: Hon. Jackie Glass, District Judge  
Christopher R. Oram  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk