## IN THE SUPREME COURT OF THE STATE OF NEVADA

MILTON L. ENNIS, Appellant, vs. THE STATE OF NEVADA, Respondent. No. 41791 FILED DEC 0 3 2003 JANETTE M BLOOM CLERK OF SUPREME COULT BY

## ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of second degree murder. The district court sentenced appellant to a prison term of 10 to 25 years.

Appellant contends that the district court erred by refusing to grant his proper person pre-sentencing request 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.

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

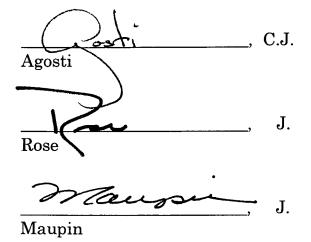
JUPREME COURT OF NEVADA

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

ORDER the judgment of conviction AFFIRMED.

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cc: Hon. Joseph T. Bonaventure, District Judge Special Public Defender Attorney General Brian Sandoval/Carson City Clark County District Attorney David J. Roger Clark County Clerk

JUPREME COURT OF NEVADA