

IN THE SUPREME COURT OF THE STATE OF NEVADA

ABRAHAM JOHN REHANA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54385

FILED

JUN 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to an Alford plea, see North Carolina v. Alford, 400 U.S. 25 (1970), of two counts of attempted lewdness with a child under the age of 14. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Appellant Abraham Rehana challenges the district court's denial of his presentence motion to withdraw his guilty plea that was based on claims that his plea was not entered knowingly and intelligently and his counsel was ineffective and coerced him into entering the plea.

We presume that the district court correctly assessed the validity of a plea on a motion to withdraw the plea and will not reverse its decision absent an abuse of discretion. Molina v. State, 120 Nev. 185, 191, 87 P.3d 533, 538 (2004). When reviewing the district court's resolution of an ineffective-assistance claim, we give deference to the court's factual findings if supported by substantial evidence and not clearly erroneous but review the court's application of the law to those facts de novo. Lader v. Warden, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005).

The district court found that the record clearly demonstrated that Rehana knowingly and intelligently entered his guilty plea. See

Crawford v. State, 117 Nev. 718, 722, 30 P.3d 1123, 1125-26 (2001) (district court must consider the totality of the circumstances when determining the validity of a plea). The district court further found that counsel was not deficient. See Strickland v. Washington, 466 U.S. 668, 687-88 (1984) (establishing two-part test for evaluating ineffective assistance of counsel challenges); Warden v. Lyons, 100 Nev. 430, 432-33, 683 P.2d 504, 505 (1984) (adopting test in Strickland). The hearing master thoroughly canvassed Rehana and went to great lengths to ensure that Rehana understood the nature and implications of entering an Alford plea. Although Rehana indicated that he did not agree with the State's assertions in its offer of proof, he indicated that he wanted to enter the Alford plea in order to avoid going to trial, being convicted of more serious charges, and facing a harsher penalty and he informed the court that he was entering the plea of his own free will. We conclude that the district court did not abuse its discretion in determining that the guilty plea was knowingly and intelligently entered. We further conclude that the district court's determination regarding Rehana's claim of ineffective assistance of counsel is supported by substantial evidence, is not clearly erroneous, and is not incorrect as a matter of law. Therefore, we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Valerie Adair, District Judge
The Law Office of Dan M. Winder, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk