

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEVON EDWARD COOPER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65997

FILED

OCT 15 2015

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

ORDER VACATING JUDGMENT AND REMANDING

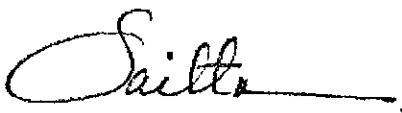
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of possession of a stolen vehicle and stop required on signal of a police officer. Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

Before sentencing, appellant moved to withdraw his guilty plea on the grounds that he erroneously believed he was eligible for placement in a conservation camp. *See* NRS 209.457. The district court denied the motion, finding that the plea was knowingly, voluntarily, and intelligently entered, but without making any other factual findings. While this appeal was pending, this court disavowed any language in prior cases which suggested that the only relevant question when considering whether a defendant should be permitted to withdraw his plea before sentencing is whether the plea was entered into knowingly, voluntarily, and intelligently, and clarified that a district court may grant a defendant's motion to withdraw his guilty plea before sentencing for any reason where permitting withdrawal would be fair and just. *Stevenson v. State*, 131 Nev., Adv. Op. 61, ___ P.3d ___ (2015). In light of *Stevenson*, we vacate appellant's judgment of conviction and remand this matter to the

15-31439

district court for reconsideration of appellant's motion. If the district court determines that appellant's motion lacks merit under *Stevenson*, it may reinstate the judgment of conviction. Accordingly, we


ORDER the judgment of conviction VACATED AND REMAND this matter to the district court for proceedings consistent with this order.

 J.

Saitta

 J.

Gibbons

 J.

Pickering

cc: Eighth Judicial District Court Dept. 20
Michael R. Pandullo
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk