

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SONIA SOPHIA BACA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71506

**FILED**

AUG 17 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER VACATING JUDGMENT AND REMANDING*

Sonia Sophia Baca appeals from a judgment of conviction entered pursuant to a guilty plea of trafficking in a controlled substance. Second Judicial District Court, Washoe County; Steven R. Kosach, Senior Judge.

Baca claims the district court abused its discretion by failing to apply the standard set forth in *Stevenson v. State*, 131 Nev. \_\_\_, 354 P.3d 1277 (2015), when deciding her presentence motion to withdraw her guilty plea.

A defendant may move to withdraw a guilty plea before sentencing, NRS 176.165, and “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. at \_\_\_, 354 P.3d at 1281. To this end, the Nevada Supreme Court has disavowed the standard previously announced in *Crawford v. State*, 117 Nev. 718, 30 P.3d 1123 (2001), which focused exclusively on whether the plea was knowingly, voluntarily, and intelligently made, and affirmed that “the district court must consider the totality of the circumstances to determine whether permitting withdrawal of a guilty plea before


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sentencing would be fair and just." *Stevenson*, 131 Nev. at \_\_\_, 354 P.3d at 1281.

At sentencing, Baca complained about the written guilty plea agreement and indicated she did not enter her plea knowingly or voluntarily. The district court construed Baca's complaints as an oral motion to withdraw her guilty plea, it found she had entered her guilty plea knowingly and voluntarily, and it denied her motion to withdraw her guilty plea.<sup>1</sup>

Although the district court may have reached the correct result under the *Crawford* standard, because the standard for deciding presentence motions to withdraw guilty pleas has changed, we conclude the judgment of conviction must be vacated for consideration of Baca's motion under the standard set forth in *Stevenson*. If upon remand the district court determines Baca failed to demonstrate a fair and just reason for withdrawing her guilty plea, the district court may reinstate the judgment of conviction. Accordingly, we

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

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

<sup>1</sup>The Honorable William A. Maddox presided over Baca's sentencing.

cc: Chief Judge, Second Judicial District Court  
Hon. Steven R. Kosach, Senior Judge  
Hon. William A. Maddox, Senior Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk