

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAVONTE ANTWAN GLOVER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74555-COA

FILED

JUL 17 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Lavonte Antwan Glover appeals under NRAP 4(c) from a judgment of conviction, pursuant to an *Alford*¹ plea, of conspiracy to commit murder and attempted murder. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Glover contends the district court abused its discretion by denying his presentence motion to withdraw his *Alford* plea. A defendant may move to withdraw a plea before sentencing, NRS 176.165, and the district court may, in its discretion, grant such a motion for any substantial reason that is "fair and just," *State v. Second Judicial Dist. Court*, 85 Nev. 381, 385, 455 P.2d 923, 926 (1969).

Glover sought to withdraw his plea² on the ground that it was invalid because he only entered it on his reasonable, if mistaken, belief that counsel indicated he would receive probation. We presume the district court correctly assessed the validity of the plea and will not reverse its decision

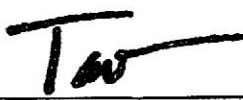
¹*North Carolina v. Alford*, 400 U.S. 25 (1970).

²Glover made only an oral motion, because appointed conflict counsel refused to file a written motion on his behalf.

absent an abuse of discretion. *Molina v. State*, 120 Nev. 185, 191, 87 P.3d 533, 538 (2004). The “mere subjective belief of a defendant as to potential sentence, or hope of leniency, unsupported by any promise from the State or indication by the court, is insufficient to invalidate a guilty plea as involuntary or unknowing.” *Rouse v. State*, 91 Nev. 677, 679, 541 P.2d 643, 644 (1975). After conducting an evidentiary hearing, the district court found that counsel did not tell Glover he would receive probation.³ The record before this court supports the district court’s finding, and the record does not suggest that either the State or the court indicated Glover would receive probation. Glover has failed to demonstrate the district court abused its discretion by denying his motion. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

³The district court made its finding in a June 6, 2016, minute order. The parties rely on the district court’s findings of fact, conclusions of law, and order granting in part and denying in part Glover’s postconviction petition for a writ of habeas corpus for the district court’s findings as to his motion to withdraw his guilty plea. However, the order addresses only claims raised in his petition, which differ from the claims in his motion to withdraw his guilty plea.

cc: Hon. Valerie Adair, District Judge
The Law Office of Travis Akin
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk