

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAINE ANTON CRAWLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81011-COA

FILED

MAR 19 2021

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

ORDER OF AFFIRMANCE

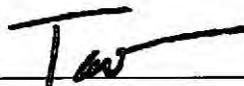
Daine Anton Crawley appeals from a judgment of conviction entered pursuant to a guilty plea of carrying a concealed firearm or other deadly weapon. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

Crawley argues the district court erred by denying his presentence motion to withdraw his 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. 598, 604, 354 P.3d 1277, 1281 (2015). In considering the motion, “the district court must consider the totality of the circumstances to determine whether permitting withdrawal of a guilty plea before sentencing would be fair and just.” *Id.* at 603, 354 P.3d at 1281. The district court’s ruling on a presentence motion to withdraw a guilty plea “is discretionary and will not be reversed unless there has been a clear abuse of discretion.” *State v. Second Judicial Dist. Court (Bernardelli)*, 85 Nev. 381, 385, 455 P.2d 923, 926 (1969).

Crawley claimed he should be allowed to withdraw his plea because he did not receive the benefit of his plea bargain: He was not immediately released on his own recognizance following the entry of his guilty plea, which resulted in his losing his spot in an inpatient drug treatment program. Crawley does not provide this court with transcripts of his plea canvass or the hearing on his motion to withdraw plea. These documents are necessary for this court's review of his claim. Therefore, we cannot conclude the district court abused its discretion by denying Crawley's presentence motion to withdraw his guilty plea. *See McConnell v. State*, 125 Nev. 243, 256 n.13, 212 P.3d 307, 316 n.13 (2009) ("The burden is on the appellant to provide this court with an adequate record enabling this court to review assignments of error."); *see also* NRAP 30(b)(3). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jacqueline M. Bluth, District Judge
Law Offices of Carl E.G. Arnold
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk