

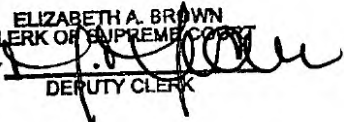
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TAARON PUANANI KAEHU-  
SCANLAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 85639-COA

**FILED**

OCT 31 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Taaron Puanani Kaehu-Scanlan appeals from a judgment of conviction, entered pursuant to a guilty plea, of resisting a public officer with the use of a dangerous weapon. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.


Kaehu-Scanlan argues the district court abused its discretion by denying 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 [her] 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. We review the district court’s decision on a motion to withdraw a guilty plea for an abuse of discretion. *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986).

Kaehu-Scanlan argued withdrawal of her guilty plea is fair and just because the State filed additional charges in district court case no. 22-


CR-031544 approximately five months after she entered her guilty plea. Kaehu-Scanlan contended that these additional charges stemmed from the same underlying event as the instant action and that she could not fully appreciate the risks and benefits of her plea, or properly weigh the range of possible punishment, because she did not know the State would be filing additional charges.

The district court held a hearing on Kaehu-Scanlan's motion to withdraw her plea. At this hearing, the State agreed to dismiss the additional charges, and the guilty plea agreement was amended to reflect the dismissal of these charges. This court takes judicial notice of the register of actions in district court case no. 22-CR-031544, which indicates the case was dismissed on October 31, 2022. *See Kaehu-Scanlan v. State*, Docket No. 85639 (Order Regarding Motion, June 16, 2023). Because the State agreed to dismiss the charges in district court case no. 22-CR-031544, and the case was so dismissed, Kaehu-Scanlan failed to demonstrate a fair and just reason for withdrawing her plea. Therefore, we conclude the district court did not abuse its discretion by denying Kaehu-Scanlan's presentence motion to withdraw her guilty plea, and we

ORDER the judgment of conviction AFFIRMED.

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

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Mary Kay Holthus, District Judge  
Legal Resource Group  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk