

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

GLORA ESTELLA, )  
Appellant, )  
Vs. )  
THE STATE OF NEVADA, )  
Respondent. )

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Elizabeth A. Brown  
Clerk of Supreme Court

APPELLANT’S REPLY BRIEF

CRAIG A. MUELLER, ESQ.  
Nevada Bar No. 4703  
723 South 7<sup>th</sup> Street  
Las Vegas, NV 89101  
(702) 382-1200

**KAREN MISHLER**  
**Chief Deputy District Attorney**  
**Nevada Bar No. 13730**  
**Regional Justice Center**  
**200 E. Lewis Avenue**  
**Post Office Box 552212**  
**Las Vegas, NV 89155-2212**  
**(702) 671-2500**

Counsel For Appellant

## Counsel for Respondent

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1 **TABLE OF AUTHORITIES**

2 CASES

3 Rompilla v. Beard, 545 U.S. 374, 125 S. Ct. 2456 (2005)

4 STATUTES

5 NRS 176.165

6 **ISSUE PRESENTED FOR REVIEW**

7 Whether the lower court abused its discretion in denying Appellant's motion  
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9 to Withdraw her Plea of Guilty.  
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**MS. ESTELLA PROVIDED A FAIR AND JUST REASON FOR  
WITHDRAWING HER PLEA**

In Rompilla v. Beard, 545 U.S. 374, 125 S. Ct. 2456 (2005), a defendant was sentenced to death for a murder conviction. On a subsequent challenge to the death penalty, he alleged ineffective assistance of counsel. He argued that his defense counsel was ineffective for failing to present significant mitigating evidence about his childhood, mental capacity and health, and alcoholism.

The Court explained that the then-applicable American Bar Association Standards for Criminal Justice in circulation at the time of defendant's trial described the obligation in terms no one could misunderstand. Specifically:

It is the lawyer's duty to conduct a prompt investigation of the circumstances of the case and to explore all avenues leading to facts relevant to the merits of the case and the penalty in the event of conviction. The investigation should always include efforts to secure information in the possession of the prosecution and law enforcement authorities. The duty to investigate exists regardless of the accused's admissions or statements to the lawyer of facts constituting guilt or the accused's stated desire to plead guilty." 1 ABA Standards for Criminal Justice 4-4.1 (2d ed. 1982 Supp.).

1  
2 Id.

3 In light of longstanding legal principles outlined in this well-reasoned  
4 United States Supreme Court decision and under the dictates of common  
5 sense, it is foolish to claim that a defendant does not need to review defenses  
6 with her attorney and such inadvertence, refusal, or neglect to do so  
7 produces and fair and just result.  
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9

10 **CONCLUSION**

11 The failure to explore and review defenses with a criminal defendant is  
12 neither fair nor just.  
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14 Respectfully submitted this 8<sup>th</sup> day of August, 2022.

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16 /s/ Craig A. Mueller  
17 Craig A. Mueller, Esq.  
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2 **CERTIFICATE OF COMPLIANCE**

3 1. I hereby certify that this brief complies with the formatting requirements of  
4 NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style  
5 requirements of NRAP 32(a)(6) because this brief has been prepared in a  
6 proportionally spaced typeface using the latest Microsoft Word version in font size  
7 14 point in Times New Roman;

8  
9 2. I further certify that this brief complies with the page or type-volume limitations  
10 of NRAP 28.1(e) because it is less than 15 pages; and

11 3. Finally, I hereby certify that I have read this appellate brief, and to the best of  
12 my knowledge, information, and belief, it is not frivolous or interposed for any  
13 improper purpose. I further certify that this brief complies with all applicable  
14 Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires  
15 every assertion in the brief regarding matters in the record to be supported by a  
16 reference to the page and volume number, if any, of the transcript or appendix  
17 where the matter relied on is to be found. I understand that I may be subject to  
18 sanctions in the event that the accompanying brief is not in conformity with the  
19 requirements of the Nevada Rules of Appellate Procedure.  
20

21 Dated this 8<sup>th</sup> day of August, 2022.

22  
23 /s/Craig A. Mueller

24 CRAIG A. MUELLER, ESQ.  
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1  
2 **CERTIFICATE OF SERVICE**

3 I hereby certify and affirm that this document was filed electronically  
4 with the Nevada Supreme Court by using the efilng system located at  
5 efile.nevadasupremecourt.us.

6 I further certify that all participants in this case are registered users of  
7 Nevada Supreme Court's efilng system, and that service will be accomplished in  
8 accordance with 9(c) of the Nevada Electronic Filing Rules. Service of the  
9 foregoing document shall be made in accordance with the Master Service List as  
10 follows:

11 CRAIG A. MUELLER, ESQ.  
12 Counsel For Appellant

13 KAREN MISHLER  
14 Chief Deputy District Attorney  
15 Counsel for Respondent

16 DATED This 8<sup>th</sup> day of August, 202s.

17  
18 BY: /s/ R. Ramos  
19 Legal Assistant to  
20 Craig A. Mueller, Esq.  
21 Craig A. Mueller & Associates  
22 Attorneys For Appellant  
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**NRAP 26.1 DISCLOSURE**

Pursuant to NRAP 26.1, the undersigned counsel of record certifies that there are no persons or entities as described in NRAP 26.1(a) that must be disclosed.

DATED this 8<sup>th</sup> day of August, 2022.

MUELLER & ASSOCIATES  
Respectfully Submitted By:

/s/Craig A. Mueller  
CRAIG A. MUELLER, ESQ.  
Attorney For Petitioner