

IN THE SUPREME COURT OF THE STATE OF NEVADA

PETER BALTTAZZAR ROMERO A/K/A
PEDRO B. ROMERO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43055

FILED

SEP 21 2004

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of possession of a controlled substance with the intent to sell. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge. The district court sentenced appellant Peter Balttazzar Romero to a prison term of 12 to 30 months and then suspended execution of the sentence, placing Romero on probation for an indeterminate time period not to exceed 3 years.

Romero's sole contention is that his guilty plea was unknowing, because he did not understand the terms of the plea agreement. We decline to consider Romero's contention. Generally, this court will not consider a challenge to the validity of the guilty plea on direct appeal from the judgment of conviction.¹ "Instead, a defendant must raise a challenge to the validity of his or her guilty plea in the


¹Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986); but see Lyons v. State, 105 Nev. 317, 319, 775 P.2d 219, 220 (1989), modified in part on other grounds by City of Las Vegas v. Dist. Ct., 118 Nev. 859, 59 P.3d 477 (2002), and Smith v. State, 110 Nev. 1009, 1010 n.1, 879 P.2d 60, 61 n.1 (1994).

district court in the first instance, either by bringing a motion to withdraw the guilty plea, or by initiating a post-conviction proceeding."²

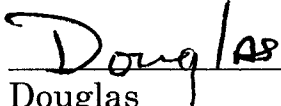
In this case, there is no allegation, or indication in the record on appeal, that Romero previously raised the issue involving the validity of his guilty plea in the district court. Accordingly, we conclude that Romero must first raise his challenge to the validity of his guilty plea in the district court.

Having concluded that Romero's contention is not appropriate for review on direct appeal, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Kathy A. Hardcastle, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

²Bryant, 102 Nev. at 272, 721 P.2d at 368.