

IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDRICK DEON WORDLAW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43106

FILED

SEP 07 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 each of robbery and battery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge. The district court sentenced appellant Fredrick Deon Wordlaw to serve a prison term of 24 to 72 months for the robbery and a consecutive prison term of 26 to 120 months for the battery.

Wordlaw's sole contention is that his guilty plea was unknowing because the plea canvass was inadequate. We decline to consider Wordlaw'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 district court in the first instance, either by bringing a motion to withdraw the guilty plea, or by initiating a post-conviction proceeding."²

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).

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

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

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

ORDER the judgment of conviction AFFIRMED.

Becker, J.
Becker

Agosti, J.
Agosti

Gibbons, J.
Gibbons

cc: Hon. Donald M. Mosley, District Judge
Wolfson & Glass
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk