

IN THE SUPREME COURT OF THE STATE OF NEVADA

SUSANNE DAWNA CARNO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43181

FILED

APR 19 2005

ORDER DISMISSING APPEAL

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

This is an appeal from judgment of conviction, pursuant to a jury verdict. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge. The State has filed an unopposed motion to dismiss this appeal contending that appellant waived all direct appeal rights in return for a sentencing agreement.


On January 28, 2004, a jury found appellant guilty of conspiracy to commit murder, first-degree kidnapping with the use of a deadly weapon, robbery with a deadly weapon, and murder with the use of a deadly weapon. Rather than risking a possible sentence of death or life without the possibility of parole at the penalty hearing, appellant entered into a sentencing agreement with the State.

Pursuant to the sentencing agreement, the State offered to recommend a sentence of life with the possibility of parole for the murder, with an equal and consecutive sentence for the deadly weapon enhancement. The State further agreed to recommend that sentences for the remaining counts run concurrently. In exchange, appellant agreed to waive her right to a penalty hearing and her right to appeal the conviction. The district court questioned appellant to verify that she understood the terms of the sentencing agreement and that she was freely

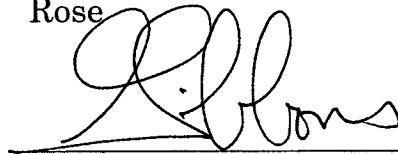
and voluntarily entering into the agreement. Appellant also signed the written sentencing agreement that clearly stated that she was agreeing to waive the right to appeal her conviction.

Criminal defendants may waive their right to a direct appeal as long as the waiver was entered knowingly and voluntarily.¹ In this case, the record indicates that appellant knowingly and voluntarily agreed to waive her appeal rights when she entered into the agreement, and thus the waiver is valid and enforceable. Accordingly, we grant the State's motion and we

ORDER this appeal DISMISSED.

 _____, J.

Rose

 _____, J.

Gibbons

 _____, J.

Hardesty

¹Blalark v. State, 112 Nev. 795, 796-97, 918 P.2d 1314, 1315 (1996) (defendant may, in a subsequent case, waive the right to maintain a pending appeal from a previous conviction); see also Cruzado v. State, 110 Nev. 745, 747, 879 P.2d 1195, 1195 (1994) (“knowing and voluntary waiver of the right to appeal made pursuant to a plea bargain is valid and enforceable”); overruled on other grounds by Lee v. State, 115 Nev. 207, 985 P.2d 164 (1999).

cc: Hon. Joseph T. Bonaventure, District Judge
Special Public Defender David M. Schieck
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk