

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID ANTHONY HUDSON, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 43476

FILED

JAN 19 2005

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of two counts of statutory sexual seduction and one count of attempted lewdness with a child under 14 years of age. Eighth Judicial District Court, Clark County; Nancy M. Saitta, Judge. The district court sentenced appellant David Anthony Hudson, Jr., to serve two concurrent prison terms of 12 to 32 months for the sexual seduction counts and one concurrent prison term of 24 to 96 months for the attempted lewdness count.

Hudson was originally charged with nine counts of statutory sexual seduction and one count of lewdness with a child under 14 for engaging in various sexual acts with his live-in girlfriend's fourteen-year-old and ten-year-old daughters. The victims testified against Hudson at the preliminary hearing and, after failing a voluntary polygraph examination, Hudson confessed to law enforcement officers that he engaged in the sexual acts alleged. Thereafter, on February 20, 2004, Hudson entered a plea agreement with the State.

Hudson contends that the district court erred in denying his pretrial motions for investigative fees and for a court-appointed expert. Hudson contends that the district court's refusal to provide his retained

attorney with money for investigators and experts violated his constitutional rights to due process of law and effective assistance of counsel.<sup>1</sup> Additionally, Hudson contends that the district court erred in denying his pretrial motion for the admission of nude photographs of the victims' mother. Hudson contends that the photographs were admissible to prove his defense theory that the victims "contrived these allegations with the aid of the mother, who put the daughter[s] up to falsely making up allegations of sex with the defendant." Hudson alleges that the district court's refusal to admit the photographs violated his constitutional right to confront the witnesses against him. We decline to consider Hudson's contentions.

This court has stated that, generally, the entry of a guilty plea waives any right to appeal from events occurring prior to the entry of the plea.<sup>2</sup> "[A] guilty plea represents a break in the chain of events which has preceded it in the criminal process. . . . [A defendant] may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea."<sup>3</sup> Nevertheless, NRS 174.035(3) allows a defendant pleading guilty to expressly reserve

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<sup>1</sup>To the extent that Hudson challenges the validity of his guilty plea or raises claims of ineffective assistance of counsel, we note that Hudson must first bring those claims in the district court by either filing a motion to withdraw the guilty plea or commencing a post-conviction proceeding pursuant to NRS chapter 34. See Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986).

<sup>2</sup>See Webb v. State, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975).

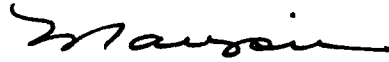
<sup>3</sup>Id. (quoting Tollett v. Henderson, 411 U.S. 258, 267 (1973)).


the right to appeal an adverse determination on a specified pretrial motion.

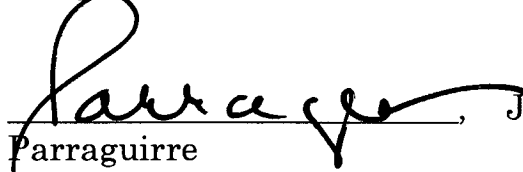
In the instant case, Hudson does not allege, and the record does not indicate, that he reserved the right to appeal the district court's rulings on his pretrial motions pursuant to NRS 174.035(3). Accordingly, Hudson waived the right to challenge those rulings by entering a guilty plea.

Having considered Hudson's contentions and concluded that they have not been preserved for review on direct appeal, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Nancy M. Saitta, District Judge  
Christopher R. Oram  
John S. Rogers  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk