

IN THE SUPREME COURT OF THE STATE OF NEVADA

MUN SON LYONS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43986

FILED

JAN 31 2005

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 obtaining the personal identification of another. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge. The district court sentenced appellant Mun Son Lyons to serve a prison term of 12 to 34 months.

Lyons contends that her guilty plea was unknowing and involuntary because the district court did not inform her about the elements of the offense or inquire whether she was competent to enter a guilty plea. We decline to consider Lyons' 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

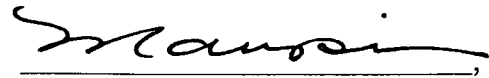
¹Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986); but see Smith v. State, 110 Nev. 1009, 1010 n.1, 879 P.2d 60, 61 n.1 (1994).

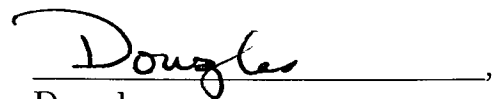
²Bryant, 102 Nev. at 272, 721 P.2d at 368.

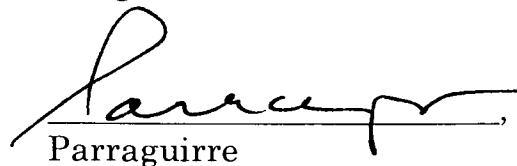
In this case, there is no allegation, or indication in the record on appeal, that Lyons previously raised the issue involving the validity of her guilty plea in the district court. Accordingly, we conclude that Lyons must bring her challenge to the validity of the guilty plea in the district court in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

Having considered Lyons' contention and concluded that it is not appropriate for review on direct appeal, we

ORDER the judgment of conviction AFFIRMED.

 J.
Maupin

 J.
Douglas

 J.
Parraguirre

cc: Hon. Steven R. Kosach, District Judge
Washoe County Public Defender
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk