

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY EDWARD FLOYD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44324

FILED

JAN 11 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of lewdness with a child under the age of 14 years. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge. The district court sentenced appellant Larry Edward Floyd to serve a prison term of life with parole eligibility in 10 years.

Floyd contends that his guilty plea was unknowing and that his defense counsel was ineffective. We decline to consider Floyd's contentions. Generally, this court will not consider a challenge to the validity of the guilty plea on direct appeal from the judgment of conviction, unless the defendant filed a presentence motion to withdraw the guilty plea in the district court.¹ Likewise, claims of ineffective assistance of counsel may generally not be considered on direct appeal, unless the claims have already been the subject of an evidentiary hearing in the district court.²

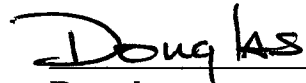
¹Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986); see also NRS 177.045; Hargrove v. State, 100 Nev. 498, 502 n.3, 686 P.2d 222, 225 n.3 (1984).


²Feazell v. State, 111 Nev. 1446, 1449, 906 P.2d 727, 729 (1995).

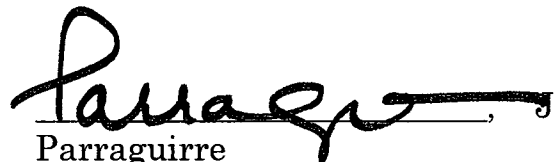
In this case, Floyd did not file a presentence motion to withdraw his guilty plea, and there was no evidentiary hearing conducted on Floyd's claims of ineffective assistance of counsel. We therefore conclude that Floyd must raise his challenge to the validity of his guilty plea and his claims of ineffective assistance of counsel in the district court in the first instance.³

Having considered Floyd's contentions and concluded that they are not appropriate for review on direct appeal, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Becker


_____, J.
Parraguirre

cc: Hon. Lee A. Gates, District Judge
Christopher R. Oram
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

³See Bryant, 102 Nev. at 272, 721 P.2d at 368.