

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELVIS ANTHONY TABLADA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45165

FILED

JAN 11 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of coercion. Eighth Judicial District Court, Clark County; Valorie Vega, Judge. The district court sentenced appellant Elvis Anthony Tablada to a prison term of 24-60 months, suspended execution of the sentence, and placed him on probation for an indeterminate period not to exceed 3 years.

Tablada's sole contention is that his Sixth Amendment right to a speedy trial was violated.¹ A criminal complaint was filed on July 28, 1998, charging Tablada with two counts of sexual assault. Tablada was not arrested and taken into custody by Nevada officials until January of 2004. On February 11, 2004, Tablada waived his right to a preliminary hearing, and on March 2, 2004, was finally arraigned in the district court. Tablada filed a motion to dismiss in the district court based on the alleged violation of his speedy trial rights, and the State opposed the motion. The

¹U.S. Const. amend. VI.

district court conducted a hearing and denied Tablada's motion. Tablada claims that "[t]here is no argument the government can make that nearly six years from the filing of the complaint to trial is not a presumptive speedy trial violation."² We conclude that Tablada is not entitled to relief.

This court has repeatedly stated that, generally, the entry of a guilty plea waives any right to appeal from events occurring prior to the entry of the plea.³ "[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."⁴ Further, the right to a speedy trial is not jurisdictional and may be waived by the conduct of the defendant.⁵ And finally, there is no indication in the record that Tablada expressly preserved this issue for review on appeal.⁶ Therefore, we conclude that Tablada has waived his right to challenge the alleged denial of his right to a speedy trial.

²But see Furbay v. State, 116 Nev. 481, 484, 998 P.2d 553, 555 (2000) ("In Nevada, a defendant has a statutory right to a trial within 60 days after arraignment.") (emphasis added); see also NRS 178.556(2).

³See Webb v. State, 91 Nev. 469, 538 P.2d 164 (1975).


⁴Id. (quoting Tollett v. Henderson, 411 U.S. 258, 267 (1973)).


⁵See Bates v. State, 84 Nev. 43, 46, 436 P.2d 27, 29 (1968). In Bates, this court held that "when the appellant entered his plea of guilty . . . he waived whatever right he had to a speedy trial." Id. at 47, 436 P.2d at 29.

⁶See NRS 174.035(3).

Having considered Tablada's contention and concluded that it has not been preserved for review on appeal, we

ORDER the judgment of conviction AFFIRMED.⁷


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Valorie Vega, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk
Elvis Anthony Tablada

⁷Because Tablada is represented by counsel in this matter, we decline to grant him permission to file documents in proper person in this court. See NRAP 46(b). Accordingly, the clerk of this court shall return to Tablada, unfiled, all proper person documents he has submitted to this court in this matter.