

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDEN ANN NORTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45281

EDEN ANN NORTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45283

FILED

JAN 19 2006

ORDER OF AFFIRMANCE

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

These are consolidated appeals from judgments of conviction, pursuant to a guilty plea, of one count of uttering a forged instrument and one count of attempted robbery. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge. The district court sentenced appellant to a prison term of 12 to 32 months for uttering a forged instrument and to a concurrent prison term of 28 to 72 months for attempted robbery.

Appellant first contends that her guilty plea may have been invalid because of inadequacies in the canvass and the fact that appellant had mental disabilities and was on medication at the time she entered her plea. However, this court

no longer permit[s] a defendant to challenge the validity of a guilty plea on direct appeal from the judgment of conviction. 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.¹

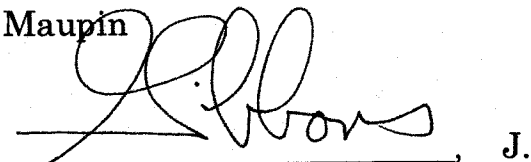
Appellant also contends that the district court abused its discretion at sentencing. Specifically, appellant argues that the district court improperly based the sentence on a written statement by appellant's mother. However, "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence, this court will refrain from interfering with the sentence imposed."²

Even assuming that statements made by appellant's mother were unreliable, appellant has not shown that the district court based the sentence solely on those statements, and appellant has therefore not shown that she was prejudiced by the statements. Accordingly, this court will not interfere with the sentence imposed, and we

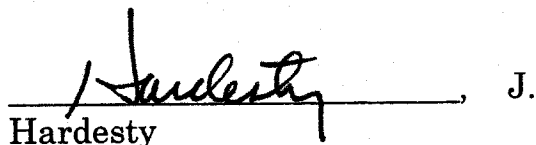
ORDER the judgments of the district court AFFIRMED.



Maupin



Gibbons



Hardesty

¹Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986).

²Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

cc: Hon. Steven P. Elliott, District Judge
Washoe County Public Defender
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk