

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALFRED PITTMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45436

FILED

SEP 14 2005

ORDER DISMISSING APPEAL

JANET 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 attempted battery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Michael A. Cherry, Judge.

On August 9, 2005, the State filed a motion to dismiss this appeal. The State argues that this appeal is "irregular" pursuant to NRS 177.205, because the only issue raised is the effectiveness of counsel, which is not properly raised in a direct appeal.

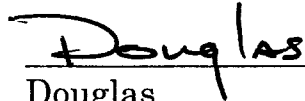
This court has held that claims of ineffective assistance of counsel are more appropriately raised in the district court in the first instance by way of a petition for post-conviction relief.¹ Further, appellant has not demonstrated any reason that this court should entertain his claim on direct appeal.²

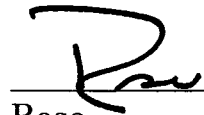
¹Gibbons v. State, 97 Nev. 520, 523, 634 P.2d 1214, 1216 (1981).

²Cf. Jones v. State, 110 Nev. 730, 877 P.2d 1052 (1994) (concluding that an evidentiary hearing was not necessary where counsel's actions were a matter of record, not disputed, and per se improper).



Accordingly, we grant the State's motion and we
ORDER this appeal DISMISSED.


_____, J.
Douglas


_____, J.
Rose


_____, J.
Parraguirre

cc: Hon. Michael A. Cherry, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk