

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUAN DEJESUS CASTRO A/K/A JUAN
CASTRO-JACOBO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46172

FILED

OCT 19 2006

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of first-degree murder with a deadly weapon. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

Appellant Juan Castro received a sentence of two consecutive terms of life in prison with the possibility of parole after 20 years. He contends that the record does not show that his guilty plea was voluntary. He asserts that he does not speak English and that the record shows neither that the translators used at his court hearings were sworn to translate correctly nor that his written plea agreement was translated into Spanish. He also contends that the plea agreement contained vague and ambiguous language. He argues, therefore, that his conviction must be reversed.

This court does not permit a defendant to challenge the validity of a guilty plea on direct appeal from a judgment of conviction,¹ unless "the error clearly appears from the record."² A defendant must

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

²Smith v. State, 110 Nev. 1009, 1010 n.1, 879 P.2d 60, 61 n.1 (1994).

generally raise such a challenge in the district court in the first instance, either through a motion to withdraw the guilty plea or a post-conviction habeas petition.³

In this case, no clear error is apparent from the record. We therefore decline to consider this issue on direct appeal. Accordingly, we ORDER the judgment of the district court AFFIRMED.

Becker, J.
Becker

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. Steven R. Kosach, District Judge
Charles B. Woodman
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

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