

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONEL DENAIR PANKEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48170

FILED

JAN 09 2007

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count of trafficking in a controlled substance. Second Judicial District Court, Washoe County; Jerome Polaha, Judge. The district court sentenced appellant Ronel Denair Pankey to serve a prison term of 35 to 156 months.

Pankey asks this court to remand his case to the district court with instructions to allow him to withdraw his guilty plea if he so desires. He concedes that 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

Although filing a notice of appeal may indicate that an appellant is dissatisfied with the outcome, it does not necessarily follow that the appellant wishes to withdraw his guilty plea. There are various


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

claims that may be raised on direct appeal from a judgment of conviction that was entered pursuant to a guilty plea.² However, Pankey has not asserted any of these claims in his appeal.

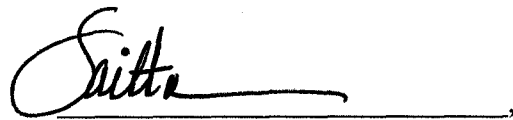
If Pankey does in fact wish to withdraw his guilty plea, he may either file a motion to withdraw his plea in the district court or file a post-conviction petition for a writ of habeas corpus.

Having reviewed the record on appeal, and for the reasons set forth above, we

ORDER the judgment of conviction AFFIRMED.


Parraguirre J.


Hardesty J.


Saitta J.

cc: Hon. Jerome Polaha, District Judge
Washoe County Public Defender
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

²See Franklin v. State, 110 Nev. 750, 751-52, 877 P.2d 1058, 1059 (1994) (citations omitted), overruled on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999).