

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN RANDALL QUINTERO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48505

FILED

JUL 17 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of lewdness with a child under the age of 14. Second Judicial District Court, Washoe County; Brent T. Adams, Judge. The district court sentenced appellant to a prison term of life with the possibility of parole after 10 years.

Appellant argues that this court should treat his notice of appeal as the functional equivalent of a motion to withdraw his plea. As appellant concedes, 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 plea. There are various issues

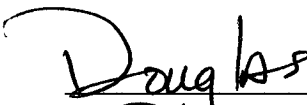
¹Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986).

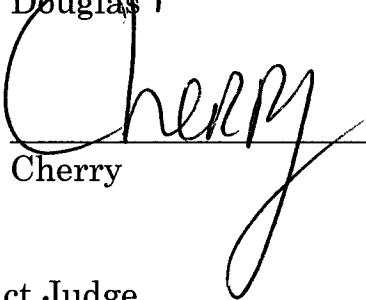
that may be raised in an appeal from a judgment of conviction, pursuant to a guilty plea.²

If appellant 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. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Brent T. Adams, 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).