

IN THE SUPREME COURT OF THE STATE OF NEVADA

JULIO CHAVEZ-VALENCIA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 48692

**FILED**

OCT 16 2007

JANE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Bloom*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of felony driving under the influence causing death or substantial bodily harm. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge. The district court sentenced appellant Julio Chavez-Valencia to a prison term of 48 to 120 months.

Chavez-Valencia contends that his guilty plea was involuntary because the district court did not provide him with a translator at the time of entry of his guilty plea. We decline to consider Chavez-Valencia's contention. Generally, this court will not consider a challenge to the validity of the guilty plea on direct appeal from the judgment of conviction.<sup>1</sup> "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."<sup>2</sup>

---

<sup>1</sup>Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986); but see Smith v. State, 110 Nev. 1009, 1010 n.1, 879 P.2d 60, 61 n.1 (1994).

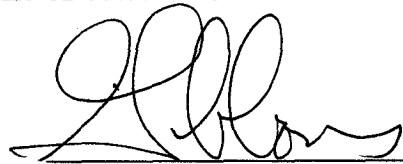
<sup>2</sup>Bryant, 102 Nev. at 272, 721 P.2d at 368.

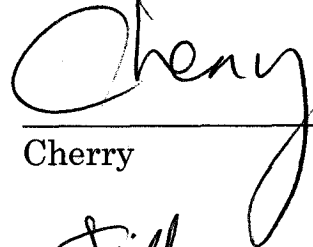



In this case, there is no allegation, or indication in the record on appeal, that Chavez-Valencia previously raised the issue involving the validity of his guilty plea in the district court. Accordingly, we conclude that Chavez-Valencia must bring his challenge to the validity of the guilty plea in the district court in the first instance.

Having considered Chavez-Valencia's contention and concluded that it is not appropriate for review on direct appeal, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Steven P. Elliott, District Judge  
Hardy Law Group  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk