

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAMARR ROWELL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 50777

**FILED**

APR 13 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY J. Alvarado  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count of burglary and one count of grand larceny. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge. The district court sentenced appellant Lamarr Rowell to serve two concurrent prison terms amounting to 48 to 120 months.

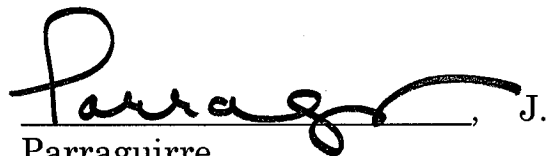
Rowell contends that the district court erred by denying his pretrial motion to suppress evidence allegedly obtained in violation of his Fourth Amendment rights. The State responds that Rowell waived his right to challenge any pretrial defects when he entered his guilty plea.

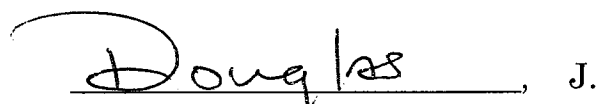
Generally, the entry of a guilty plea waives any right to appeal from events which preceded that plea. See Webb v. State, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975). “[A] guilty plea represents a break in the chain of events which has preceded it in the criminal process. . . . [A defendant] may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea.” Id. (quoting Tollett v. Henderson, 411 U.S. 258, 267 (1973)). However, NRS 174.035(3) presents an exception to the rule. It allows a defendant pleading guilty to reserve in writing the right to appeal an

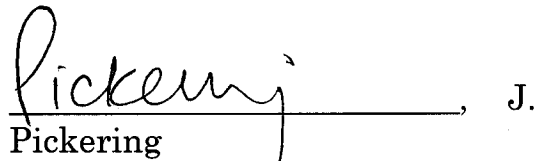
adverse determination on a specified pretrial motion, provided he or she has the consent of the district court and the State.

On the day of trial, Rowell announced that he would plead guilty to the charges of burglary and grand larceny without negotiations. Over the State's objection, the district court indicated that it would allow Rowell to preserve the right to appeal the denial of his suppression motion, would impose concurrent sentences, and would not be inclined to adjudicate him a habitual criminal. Rowell did not obtain the State's consent nor did he reserve in writing the right to appeal the adverse determination of his suppression motion. Under these circumstances, we conclude that the denial of Rowell's suppression motion was not properly preserved for appeal and we decline to consider its merits. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
Parraguirre

  
Douglas

  
Pickering

cc: Eighth Judicial District Court Dept. 8, District Judge  
Clark County Public Defender Philip J. Kohn  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk