

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL ALLEN PARKS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51139

FILED

JUL 10 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count of obtaining and using the personal identification information of another. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge. The district court sentenced appellant Michael Allen Parks to serve a prison term of 5 to 12 ½ years.

Parks contends that he did not knowingly and voluntarily enter his guilty plea.¹ However, this court

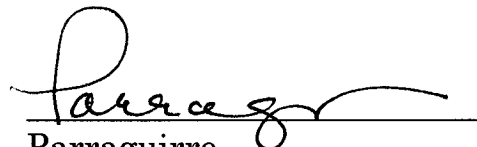
¹Appellant's counsel has not provided any facts to support this claim. Further, after raising the claim, counsel acknowledges that appellant should raise the claim in the district court in the first instance. We remind counsel that there are issues that may be raised in a direct appeal from a judgment of conviction pursuant to a guilty plea, and counsel must argue for their clients without conceding an appeal is without merit. Ramos v. State, 113 Nev. 1081, 1084, 944 P.2d 856, 858 (1997); Franklin v. State, 110 Nev. 750, 751-52, 877 P.2d 1058, 1059 (1994), disapproved of on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999). If counsel believes an appeal is without merit, counsel must discuss his or her conclusion with the client and advise the client against pursuing that appeal. Ramos, 113 Nev. at 1084, 944 P.2d at 857. "If a defendant insists on continuing with the appeal, counsel should
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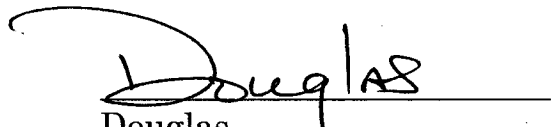
no longer permit[s] a defendant to challenge the validity of a guilty plea on direct appeal from the judgment of conviction. Instead, a defendant must raise a challenge to the validity of his or her guilty plea in the district court in the first instance, either by bringing a motion to withdraw the guilty plea, or by initiating a post-conviction proceeding.²

Having concluded that Park's contention is not appropriately raised in this appeal, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Jennifer Togliatti, District Judge
Stanley A. Walton
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

... continued

file a brief that includes all arguable issues and argues defendant's appeal as well as possible." Id.

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