

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARCOS SANTIAGO,

No. 34643

Appellant,

**FILED**

vs.

APR 04 2000

THE STATE OF NEVADA,

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

Respondent.

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of felony driving under the influence. The district court sentenced appellant to twelve (12) to thirty-six (36) months in the Nevada State Prison. The district court further ordered appellant to pay a fine of \$2,000.00.

Appellant contends that his guilty plea was invalid because he was not informed of the immigration consequences of his plea. However, 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.

Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986). In this case, appellant has not raised his challenge to the guilty plea in the district court. Accordingly, the issue is not properly before this court on direct appeal.<sup>1</sup> We therefore

ORDER this appeal dismissed.

*[Signature: Maupin]* J.  
Maupin

*[Signature: Shearing]* J.  
Shearing

*[Signature: Becker]* J.  
Becker

<sup>1</sup>Moreover, this court recently rejected this very argument in Barajas v. State, 115 Nev. \_\_\_, \_\_\_, 991 P.2d 474, 476 (1999).

cc: Hon. Sally L. Loehrer, District Judge  
Attorney General  
Clark County District Attorney  
Xavier Gonzales  
Clark County Clerk