

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID WAYNE HARTMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51961

FILED

MAY 08 2009
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE AND LIMITED REMAND TO CORRECT
THE JUDGMENT OF CONVICTION

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of two counts of sexual assault on a child. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge. The district court sentenced appellant David Wayne Hartman to consecutive terms of life in prison with the possibility of parole after 20 years for each count and to lifetime supervision.

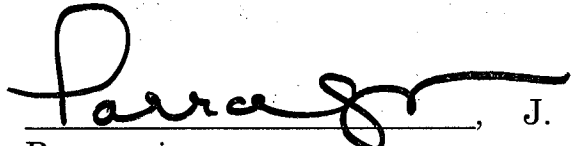
Hartman's sole issue on appeal is that his guilty plea was invalid because the district court did not adequately canvass him regarding lifetime supervision. We do not reach this issue; however, we remand this matter to the district court to correct an error in the judgment of conviction.

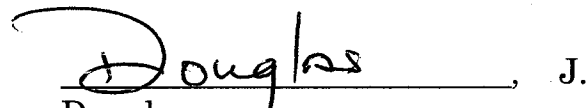
Generally, this court will not consider a challenge to the validity of a guilty plea on direct appeal from a judgment of conviction. Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986); but see Smith v. State, 110 Nev. 1009, 1010-11 n.1, 879 P.2d 60, 61 n.1 (1994). "Instead, a defendant must raise a challenge to the validity of his or her guilty plea in the district court in the first instance." Bryant, 102 Nev. at 272, 721 P.2d at 368.

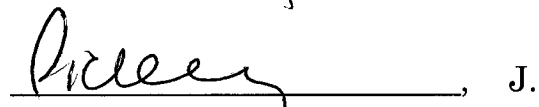
Hartman does not claim that he previously raised a challenge to the validity of his plea in the district court, and the alleged error does not clearly appear in the record. Therefore, we decline to consider Hartman's contention.

We note that the judgment of conviction reflects that the district court "recommends" lifetime supervision. However, the imposition of lifetime supervision is mandatory pursuant to NRS 176.0931. Therefore, we remand this matter to the district court for correction of the judgment of conviction to reflect the mandatory imposition of lifetime supervision. Accordingly, we

ORDER the judgment of conviction AFFIRMED and REMAND for the limited purpose of correcting the judgment of conviction.


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Steven R. Kosach, District Judge
Washoe County Public Defender
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk