

IN THE SUPREME COURT OF THE STATE OF NEVADA

CORDALE BELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53534

FILED

MAR 10 2010

TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of first-degree kidnapping with the use of a deadly weapon. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge. On appeal, appellant raises three issues.

Appellant first challenges the validity of his guilty plea based upon evidence submitted at a preliminary hearing that suggested that Bell was acting strangely and may have been depressed when he committed the crime. However, appellant cannot raise claims that attack the validity of the plea on direct appeal. Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986). Appellant must challenge the validity of his plea by bringing a motion to withdraw the guilty plea or initiating a post-conviction proceeding in the district court. Id.

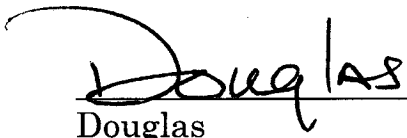
Next, appellant claims that the State breached the plea agreement because it failed to take into account his cooperation with the State when he testified against another accused in an unrelated case. We conclude this is a meritless claim because, as appellant admits in his brief, and as is clear from the plain language of the plea agreement, no such cooperation was contemplated.


Finally, appellant argues that the district court abused its discretion in failing to give him the lesser of the two statutorily prescribed sentences. See NRS 200.320. Appellant urges that, because of various factors, the greater of the two sentences “shocks the conscience.” A sentence which conforms to the statutory prescriptions is constitutionally valid unless either the sentencing statute is unconstitutional or the sentence imposed is grossly disproportionate to the crime. Allred v. State, 120 Nev. 410, 420, 92 P.3d 1246, 1253 (2004). Appellant raises no constitutional claim against the sentencing statute; and the sentence imposed is not disproportionate to the crime to which appellant pleaded guilty.

Having considered appellant’s claims and concluded that they lack merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Connie J. Steinheimer, District Judge
Mary Lou Wilson
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk