

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT ALLEN KEVARI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54403

FILED

FEB 03 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a nolo contendere plea, of burglary. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

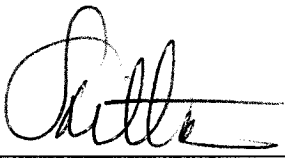
Appellant Scott Allen Kevari contends that the district court abused its discretion at sentencing by imposing a term of life in prison without the possibility of parole. Kevari, however, was sentenced to serve a prison term of 4-10 years in this case (district court case number CR09-0324) to run concurrently with the sentence imposed in district court case number CR09-0728. In district court case number CR09-0728, Kevari was sentenced to serve a term of life in prison without the possibility of parole. Kevari cannot raise claims pertaining to district court case number CR09-0728 in this appeal.

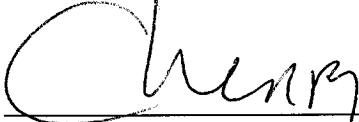
To the extent that Kevari is claiming that the sentence imposed in district court case number CR09-0728 rendered his plea invalid in the instant case, we need not address it because challenges to the validity of a guilty plea must be raised in the district court in the first instance by either filing a motion to withdraw the guilty plea or commencing a post-conviction proceeding pursuant to NRS chapter 34.

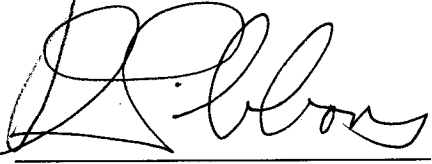
Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986); see also O'Guinn v. State, 118 Nev. 849, 851-52, 59 P.3d 488, 489-90 (2002). The record does not indicate that Kevari challenged the validity of his guilty plea in the district court, therefore, his claim is not appropriate for review on direct appeal from the judgment of conviction, Bryant, 102 Nev. at 272, 721 P.2d at 368.

Having concluded that Kevari's claims are not properly raised in this appeal, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Cherry


_____, J.
Gibbons

cc: Hon. Steven R. Kosach, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk