

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY A. GRIGGS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54406

FILED

FEB 03 2010

TRACIA 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 two counts of unlawful use of a controlled substance. Fifth Judicial District Court, Nye County; John P. Davis, Judge.

Appellant Anthony A. Griggs contends that (1) he received ineffective assistance of counsel; (2) his guilty plea was invalid; and (3) “the lower court committed plain error.” Counsel for Griggs concedes that the issues raised in this appeal are either not appropriate for review on direct appeal or without merit. We remind counsel that “[a]ttorneys must argue for their clients without conceding an appeal is without merit.” Ramos v. State, 113 Nev. 1081, 1084-85, 944 P.2d 856, 858 (1997). “[C]ounsel should file a brief that includes all arguable issues and argues defendant’s appeal as well as possible.” Id. at 1084, 944 P.2d at 857. If an appellant insists on arguing a meritless point, “counsel’s accurate summary of the facts and law will make that obvious.” State v. Cigic, 639 A.2d 251, 254 (N.H. 1994).

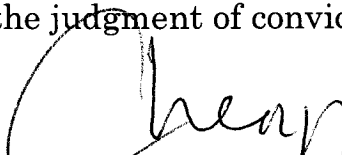
This court has repeatedly stated that, generally, claims of ineffective assistance of counsel will not be considered on direct appeal. See Johnson v. State, 117 Nev. 153, 160-61, 17 P.3d 1008, 1013 (2001).


Griggs has failed to provide this court with any reason to depart from this policy in his case. See id.; see also Archanian v. State, 122 Nev. 1019, 1036, 145 P.3d 1008, 1020-21 (2006). Additionally, Griggs' challenge to the validity of his guilty plea is not appropriate for review on direct appeal and we need not address it. See 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). And finally, Griggs has not provided any argument in support of his allegation of plain error below and we need not address it. See Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987).

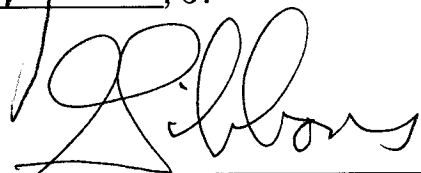
Without directly raising the issue, Griggs implies that the district court abused its discretion by imposing a sentence in district court case number CR-5872 to run consecutively to the sentence imposed in the instant case. Griggs may not challenge the sentence imposed in district court case number CR-5872 in this appeal.

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

ORDER the judgment of conviction AFFIRMED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. John P. Davis, District Judge
Gibson & Kuehn
Attorney General/Carson City
Nye County District Attorney/Tonopah
Nye County Clerk