

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN MATHEW VERA,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 35081

FILED

OCT 09 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Schah*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of murder with use of a deadly weapon. Appellant John Mathew Vera received a sentence of two consecutive terms of life in prison without possibility of parole.

Vera claims that the State improperly filed a notice of intent to seek the death penalty. He asserts that this case involved one drug dealer killing another under circumstances that amounted to, at worst, second-degree murder. He also asserts that the District Attorney enjoys unfettered discretion in seeking death sentences and made the decision here arbitrarily and capriciously. He contends that the State sought death as a tactical advantage in violation of his federal and state due process rights. The only authority cited by Vera to support his arguments is Justice Springer's dissent in *Schoels v. State*, 114 Nev. 981, 966 P.2d 735

(1998), rehearing granted, 115 Nev. 33, 975 P.2d 1275 (1999).

We decline to consider these issues.

The State filed its notice of intent to seek the death penalty before Vera pled guilty. An appellant may not raise challenges to events which preceded a guilty plea. *Webb v. State*, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975).

"[A] guilty plea represents a break in the chain of events which has preceded it in the criminal process. . . . [A defendant] may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea."

Id. (quoting *Tollett v. Henderson*, 411 U.S. 258, 267 (1973)); see also *Warden v. Lyons*, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (pleas of nolo contendere waived constitutional claims based on events occurring before entry of the pleas); NRS 177.015(4). We also do not consider these issues because Vera has failed to cite relevant authority to support his contentions. See *Jones v. State*, 111 Nev. 848, 855, 899 P.2d 544, 547-48 (1995).

Vera also claims that his plea was coerced by the State's decision to seek a death sentence. We will not address this claim either. First, Vera has cited no authority to support it. Second, it has not been presented to the district court. Although a defendant who has pleaded guilty may still raise claims that the plea was not knowing or voluntary or that counsel was ineffective, such claims must first be pursued in post-conviction proceedings in the

district court.¹ See Kirksey v. State, 112 Nev. 980, 999, 923 P.2d 1102, 1114 (1996); Franklin v. State, 110 Nev. 750, 751-52, 877 P.2d 1058, 1059 (1994), disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999).

Accordingly, we affirm the district court's order.

It is so ORDERED.

Young, J.
Young

Maupin, J.
Maupin

Becker, J.
Becker

cc: Hon. Mark W. Gibbons, District Judge
Attorney General
Clark County District Attorney
Clark County Public Defender
Clark County Clerk

¹The claim appears to have no merit. "A guilty plea is not coerced merely because motivated by a desire to avoid the possibility of a higher penalty" Whitman v. Warden, 90 Nev. 434, 436, 529 P.2d 792, 793 (1974) (citing Brady v. United States, 397 U.S. 742 (1970)).