

IN THE SUPREME COURT OF THE STATE OF NEVADA

NICK BENJAMEN AIELLO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56498

FILED

JAN 13 2011

ORDER OF AFFIRMANCE


TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK


This is an appeal from a judgment of conviction, pursuant to a plea entered in accordance with North Carolina v. Alford, 400 U.S. 25 (1970), of sexually motivated coercion. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

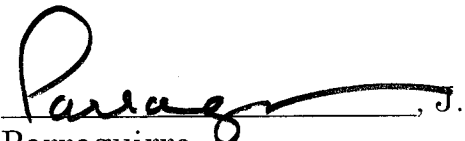
Appellant Nick Benjamin Aiello contends that the district court abused its discretion by denying his post-conviction motion to withdraw his Alford plea. Aiello's notice of appeal, however, states that he is appealing from the judgment of conviction, and a district court order denying a post-conviction motion to withdraw a plea is a final, separately appealable order not reviewable on direct appeal. See Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984) ("an order denying a post-conviction motion to withdraw a plea of guilty is appealable as an order 'refusing a new trial' within the meaning of NRS 177.015"); see also NRS

177.015(1)(b). Therefore, Aiello's claim is not properly raised at this time and we need not address it. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Kathy A. Hardcastle, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk