

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAY THOMAS CANTRELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56834

FILED

JAN 12 2012

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

ORDER OF AFFIRMANCE

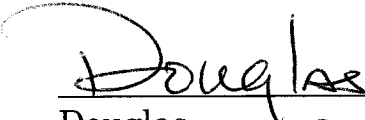
This is an appeal under NRAP 4(c) from a judgment of conviction, pursuant to a guilty plea, of two counts of burglary. Eighth Judicial District Court, Clark County; David B. Barker, Judge.


Appellant Jay Cantrell claims that the district court erred by implicitly denying his post-conviction motion to withdraw his guilty plea. Such a claim is inappropriate for direct appeal, see Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986), superseded by statute as stated in Hart v. State, 116 Nev. 558, 562 n.3, 1 P.3d 969, 971 n.3 (2000), and we decline to except Cantrell from this general rule, cf. Smith v. State, 110

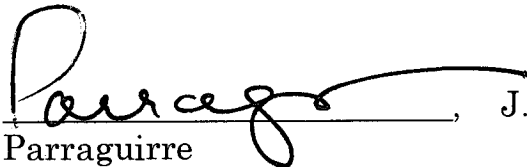
Nev. 1009, 1010-11 n.1, 879 P.2d 60, 61 n.1 (1994) (considering validity of plea on direct appeal where error is plain).¹

Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. David B. Barker, District Judge
Karen A. Connolly, Ltd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹We also note that in Cantrell's appeal from the denial of his 2008 petition for a writ of habeas corpus, we concluded that "[t]o the extent that [Cantrell] claimed that his plea was not entered voluntarily and knowingly based on the district court's colloquy, [his] claim is without merit." Cantrell v. State, Docket No. 52941 (Order Affirming in Part, Reversing in Part and Remanding, July 15, 2010), at 3 n.2.