

IN THE SUPREME COURT OF THE STATE OF NEVADA

GERALD BURTON ELDERKIN, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56918

FILED

MAY 10 2011

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

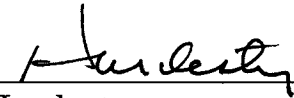
ORDER OF AFFIRMANCE

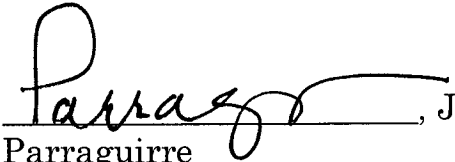
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of driving under the influence. Second Judicial District Court, Washoe County; Jerome Polaha, Judge. Appellant Gerald Elderkin, Jr., contends that, because the district court imposed the sentence agreed to by the parties in the plea negotiations, this court should construe his notice of appeal as an expression of dissatisfaction with his guilty plea and remand this matter so that he may file a post-conviction motion to withdraw his guilty plea. If appellant is dissatisfied with his guilty plea, his remedy, if any, is to file a motion to withdraw the plea or a post-conviction petition for a writ of habeas corpus pursuant to NRS chapter 34 in the district court. See Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 367-68 (1986). Because Elderkin does not challenge the judgment of

conviction or his sentence and he has not demonstrated any error, we

ORDER the judgment of conviction AFFIRMED.¹

 _____, J.
Saitta

 _____, J.
Hardesty

 _____, J.
Parraguirre

cc: Hon. Jerome Polaha, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹We note that the joint appendix does not comply with the Nevada Rules of Appellate procedure because it is not paginated sequentially. See NRAP 3C(e)(2)(C); NRAP 30(c)(1). Counsel for Elderkin is cautioned that future failure to comply with the appendix requirements may result in the appendix being returned, unfiled, to be correctly prepared, NRAP 32(e), and in the imposition of sanctions, NRAP 3C(n).