

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 35196

FRANCISCO CANA FERNANDEZ,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

MAY 10 2000

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

ORDER DISMISSING APPEAL

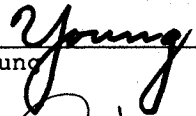
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of first degree murder. The district court sentenced appellant to life imprisonment without the possibility of parole.¹

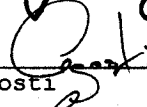
Appellant's sole contention is that the district court erred by accepting appellant's guilty plea because the plea was not knowingly and voluntarily entered. As appellant recognizes, this court does not allow "a defendant to challenge the validity of a guilty plea on direct appeal from the judgment of conviction." *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986). Such challenges must be raised "in the district court in the first instance, either by bringing a motion to withdraw the guilty plea, or by initiating a post-conviction proceeding." *Id.* We decline

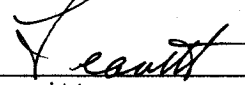
¹Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this appeal.

appellant's unsupported invitation to overrule Bryant. Moreover, our review of the record in this case fails to reveal any clear error that would allow an exception to the general rule set forth in Bryant. See Smith v. State, 110 Nev. 1009, 1010 n.1, 879 P.2d 60, 61 n.1 (1994). Accordingly, we

ORDER this appeal dismissed.


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Michael L. Douglas, District Judge
Attorney General
Clark County District Attorney
Clark County Public Defender
Clark County Clerk