

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY JAMES PARKER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57088

FILED

OCT 05 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angel*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of second-degree murder. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge. Appellant Anthony James Parker raises two contentions on appeal.


First, Parker contends that his guilty plea was not entered knowingly and voluntarily. We have repeatedly stated that challenges to the validity of a guilty plea must generally be raised in the district court in the first instance by either filing a motion to withdraw the guilty plea or commencing a post-conviction proceeding pursuant to NRS Chapter 34. See Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986), limited by Smith v. State, 110 Nev. 1009, 1010 n.1, 879 P.2d 60, 61 n.1 (1994); see also O'Guinn v. State, 118 Nev. 849, 851-52, 59 P.3d 488, 489-90 (2002). The record does not indicate that Parker challenged the validity of his guilty plea in the district court, and we conclude that his claim is not appropriate for review in this appeal. See O'Guinn, 118 Nev. at 851-52, 59 P.3d at 489-90.

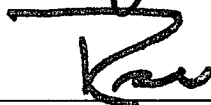
Second, Parker contends that the district court improperly imposed a harsher sentence based on its finding that he failed to accept responsibility for the crime. We discern no abuse of discretion. See


Randell v. State, 109 Nev. 5, 8, 846 P.2d 278, 280 (1993) (recognizing sentencing court has wide discretion). While the district court noted that it did not “hear that [Parker had] truly accepted full responsibility,” the court did not appear to base its sentencing decision entirely on this observation. Instead, the district court relied more heavily on Parker’s prior criminal history and behavior in jail. See Denson v. State, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996) (providing that reversal of sentencing decision required where sentence “supported solely by impalpable and highly suspect evidence”).

Having considered Parker’s contentions and concluded that they lack merit, we

ORDER the judgment of conviction AFFIRMED.¹


_____, J.
Pickering


_____, Sr.J.
Rose


_____, Sr.J.
Shearing

¹The Honorables Robert Rose and Miriam Shearing, Senior Justices, participated in the decision of this matter under general orders of assignment.

cc: Hon. Connie J. Steinheimer, District Judge
Law Office of Thomas L. Qualls, Ltd.
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk