

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIMOTHY VERDUGO A/K/A TIMOTHY
GILBERT VERDUGO, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57537

FILED

JUN 08 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

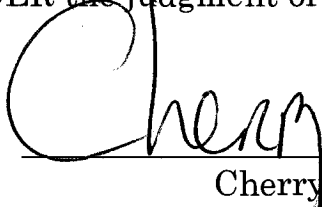
ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of being an ex-felon in possession of a firearm, possession of stolen property, and burglary. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

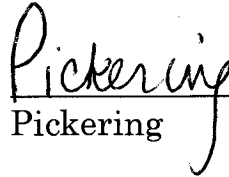
Appellant Timothy Verdugo contends that, because the sentence imposed is within the legal limitations and consistent with the guilty plea agreement, this court should construe his notice of appeal as an expression of dissatisfaction with his guilty plea and remand this matter to the district court so that he may file a post-conviction motion to withdraw his guilty plea. If Verdugo 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), limited by Smith v. State, 110 Nev. 1009, 1010-11 n.1, 879 P.2d 60, 61 n.1 (1994). Because Verdugo does not challenge the

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

ORDER the judgment of conviction AFFIRMED.


_____, J.
Cherry


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Steven R. Kosach, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk