

IN THE SUPREME COURT OF THE STATE OF NEVADA

BLAS HERRERA ACOSTA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58577

FILED

JAN 12 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction entered pursuant to a guilty plea of robbery, possession of a firearm by an ex-felon, discharging a firearm at or into a building, and two counts of assault with a deadly weapon. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

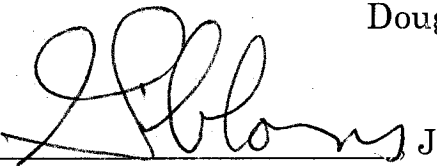
Appellant Blas Herrera Acosta claims that he did not enter his guilty plea knowingly, voluntarily, and intelligently because defense counsel failed to fully investigate and advise him on the strengths and weaknesses of his case.

Generally, we will not consider a challenge to the validity of a guilty plea on direct appeal from a judgment of conviction. See Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986), as limited by Smith v. State, 110 Nev. 1009, 1010-11 n.1, 879 P.2d 60, 61 n.1 (1994). "Instead, a defendant must raise a challenge to the validity of his or her guilty plea 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.

The record reveals that the district court denied Acosta's oral motion to withdraw his guilty plea without prejudice and continued the sentencing hearing so that Acosta could file a written motion to withdraw his guilty plea. Acosta did not file the motion to withdraw guilty plea and his claim of error does not clearly appear on the record. Accordingly, we decline to consider Acosta's contention and we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Brent T. Adams, District Judge
Marc Picker, Esq., Ltd.
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk