

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY LEON PLUMB,

No. 35544

Appellant,

FILED

vs.

MAY 10 2000

THE STATE OF NEVADA,

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

Respondent.

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of felony driving and/or being in actual physical control of a vehicle while under the influence of intoxicating liquor. The district court sentenced appellant to twenty-four (24) to sixty (60) months in the Nevada State Prison.

Appellant's sole contention is that his guilty plea was invalid. Specifically, he asserts the plea canvass was defective and as a result his plea was not knowing or voluntary.

"[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" Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986). Therefore, we need not and do not address the merits of this issue. Accordingly, we

ORDER this appeal dismissed.

Young _____ J.
Young
Agosti _____ J.
Agosti
Leavitt _____ J.
Leavitt

cc: Hon. Jeffrey D. Sobel, District Judge
Attorney General
Clark County District Attorney
Clark County Public Defender
Clark County Clerk