

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES RUSSELL O'CONNOR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60495

FILED

DEC 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of driving under the influence. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

Appellant contends that this court should construe his notice of appeal as an expression of dissatisfaction with his guilty plea and remand this matter so that he may file a post-conviction motion to withdraw his guilty plea. If appellant 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). Because appellant does not challenge the judgment of conviction or his sentence and he has not demonstrated error, we

ORDER the judgment of conviction AFFIRMED.

[Signature], J.
Saitta

[Signature], J.
Pickering

[Signature], J.
Hardesty

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