

IN THE SUPREME COURT OF THE STATE OF NEVADA

NATHAN EUGENE WALKER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62229

FILED

JUL 22 2013

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

Appellant Nathan Eugene Walker 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 agreement and remand this matter to the district court so that he may have the opportunity to seek to withdraw his guilty plea. If Walker is dissatisfied with his guilty plea, the appropriate action 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 n.1, 879 P.2d 60, 61 n.1 (1994). Because Walker does not challenge

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

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

cc: Hon. Patrick Flanagan, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk