

IN THE SUPREME COURT OF THE STATE OF NEVADA

ISRAEL GARCIA-BORJA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62488

FILED

SEP 19 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK


ORDER OF AFFIRMANCE

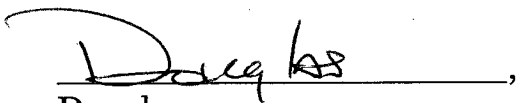
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of three counts of attempted lewdness with a child under the age of 14. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

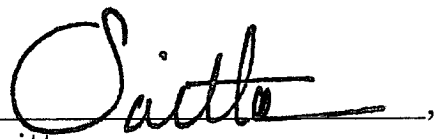
Appellant Israel Garcia-Borja contends that, because the sentence imposed is within the legal limitations and consistent with the guilty plea agreement, this court should construe his notice of appeal as an expression of dissatisfaction with his guilty plea agreement and remand this matter to the district court so that he may have the opportunity to seek to withdraw his guilty plea. If Garcia-Borja 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

Garcia-Borja 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.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Connie J. Steinheimer, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk