

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARREN LAMONT MCCOY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 63316

**FILED**

JUL 23 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK


*ORDER OF AFFIRMANCE*

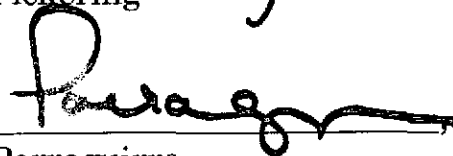
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

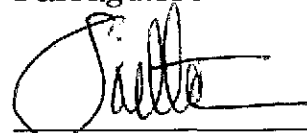
Appellant Darren Lamont McCoy's sole contention on appeal is that his guilty plea was not knowing and voluntary. He asserts that his guilty plea was based on an indictment that was not supported by the evidence before the grand jury and that he never had an adequate understanding of the charge to which he pleaded guilty. Generally, challenges to the validity of the guilty plea must be raised in the district court in the first instance by either filing a motion to withdraw the guilty plea or commencing a timely post-conviction proceeding pursuant to NRS chapter 34. *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 367-68 (1986), *as limited by Smith v. State*, 110 Nev. 1009, 1010 n.1, 879 P.2d 60, 61 n.1 (1994), *see also O'Guinn v. State*, 118 Nev. 849, 851-52, 59 P.3d 488, 489-90 (2002). Because the record does not indicate that McCoy challenged the validity of his guilty plea on this basis in the district court, his claim is not appropriate for review on direct appeal from the judgment

of conviction, and, therefore, we need not address it. *Bryant*, 102 Nev. at 272, 721 P.2d at 368. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Michael Villani, District Judge  
Sandra L. Stewart  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk