

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS O. LOPEZ-VALADEZ,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 35914

FILED

SEP 27 2000

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

ORDER DISMISSING APPEAL

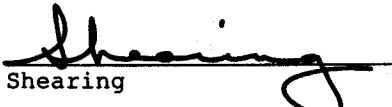
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of robbery against a person 65 years of age or older. The district court sentenced appellant to serve two consecutive terms of 24 to 84 months in the Nevada State Prison.

Appellant contends that he received ineffective assistance of counsel and that his guilty plea was not knowingly and voluntarily entered. In particular, appellant claims that he believed he had signed an agreement for two concurrent terms of 2 to 10 years and counsel told him that he would be eligible for probation and more than likely would get probation.

Claims of ineffective assistance of counsel may not be raised on direct appeal, "unless there has already been an evidentiary hearing." *Fezell v. State*, 111 Nev. 1446, 1449, 906 P.2d 727, 729 (1995). Similarly, this court does not "permit a defendant to challenge the validity of a guilty plea on direct appeal from the judgment of conviction." *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986). Claims of ineffective assistance and challenges to the validity of a guilty plea must be raised in the district court in the first instance by commencing a post-conviction proceeding under NRS

chapter 34 or, in challenges to the validity of a guilty plea, by bringing a motion to withdraw the guilty plea. See Feazell, 111 Nev. at 1449, 906 P.2d at 729; Bryant, 102 Nev. at 272, 721 P.2d at 368. Accordingly, we conclude that the issues raised by appellant are not appropriate for review on direct appeal from the judgment of conviction, and we therefore


ORDER this appeal dismissed.



Shearing J.



Agosti J.



Leavitt J.

cc: Hon. Brent T. Adams, District Judge
Attorney General
Washoe County District Attorney
Lewis S. Taitel
Washoe County Clerk