

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LANCE JULIAN LAURA A/K/A JAMES
MICHAEL COLEMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66033

FILED

MAY 19 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a guilty plea agreement of possession of personal identifying information. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

Pursuant to the stipulation of the parties, appellant Lance Laura was sentenced to a suspended prison term of 12 to 34 months and placed on probation for 6 months with the only condition of probation being he serve 6 months in the county jail. He now claims that the sentence he received constituted cruel and unusual punishment because the victim of his crime did not suffer any physical or financial hardship. The State asserts that Laura waived this claim pursuant to the terms of the plea agreement. We agree.

Laura entered into a written plea agreement that contained the following waiver of rights:


By entering my plea of guilty, I understand that I am waiving and forever giving up the following rights and privileges:


...

6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means that I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4).

The Nevada Supreme Court has held “[a] knowing and voluntary waiver of the right to appeal made pursuant to a plea bargain is valid and enforceable.” *Cruzado v. State*, 110 Nev. 745, 747, 879 P.2d 1195, 1195 (1994), *overruled on other grounds by Lee v. State*, 115 Nev. 207, 209-210, 985 P.2d 164, 166 (1999). Because the language of the plea agreement clearly demonstrates Laura unconditionally waived his right to a direct appeal of the conviction, we conclude Laura’s claim is waived, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Jessie Elizabeth Walsh, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk