

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH LEROY LUNDEEN A/K/A KEITH
LEEROY LUNDEEN,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 36114

FILED

AUG 30 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 attempted theft. The district court sentenced appellant to serve 12 to 36 months in prison and ordered that the sentence be served consecutively to the sentence in a prior case.

Appellant contends that his conviction must be reversed because he was never canvassed to determine whether he understood that the sentence would have to be served consecutively to his prison sentence in another case.¹ However, 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). Such a challenge must be raised in the district court in the first instance by bringing a motion to withdraw the guilty plea or by commencing a post-conviction proceeding under NRS chapter 34. *Id.* Accordingly, we conclude that the issue raised by appellant is not appropriate

¹NRS 176.035(2) provides, in relevant part, that "whenever a person under sentence of imprisonment for committing a felony commits another crime constituting a felony and is sentenced to another term of imprisonment for that felony, the latter term must not begin until the expiration of all prior terms."

for review on direct appeal from the judgment of conviction,
and we therefore

ORDER this appeal dismissed.

<u>Young</u> Young	J.
<u>Agosti</u> Agosti	J.
<u>Leavitt</u> Leavitt	J.

cc: Hon. John S. McGroarty, District Judge
Attorney General
Clark County District Attorney
Clark County Public Defender
Clark County Clerk