

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TERRY ANTHONY BALL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 66699

**FILED**

OCT 19 2015

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 three counts of robbery with the use of a deadly weapon. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

Appellant Terry Anthony Ball first argues the deadly weapon enhancement was not proper because he did not brandish the firearm and it was merely contained in his waistband. However, Ball was charged with committing three counts of robbery with the use of a deadly weapon and, by entry of his guilty plea, Ball acknowledged he committed those offenses. Accordingly, Ball is not entitled to relief for this claim.<sup>1</sup>

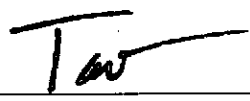
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<sup>1</sup>Ball also suggests this claim be viewed within the context of a post-conviction motion to withdraw a guilty plea or a motion to correct an illegal sentence. However, a direct appeal is generally not the proper forum to challenge the validity of a guilty plea and Ball does not demonstrate that any exception to the rule applies to him. See *Harris v. State*, 130 Nev. \_\_\_, \_\_\_, 329 P.3d 619, 628 (2014); *O'Guinn v. State*, 118 Nev. 849, 851-52, 59 P.3d 488, 489-90 (2002). In addition, Ball's claim is not within the scope of a motion to correct an illegal sentence. See *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

Second, Ball argues the district court judge was biased against him. Ball asserts the court's bias was demonstrated during the sentencing hearing when the court interrupted counsel, made snide comments, minimized Ball's mitigation evidence, and chastised counsel for counsel's strategies. Ball's argument lacks merit. "[R]emarks of a judge made in the context of a court proceeding are not considered indicative of improper bias or prejudice unless they show that the judge has closed his or her mind to the presentation of all the evidence." *Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998). Ball does not demonstrate the district court judge closed his mind to the presentation of the evidence. Rather, the record reveals the district court listened to the evidence and arguments presented at the sentencing hearing, and concluded Ball's assertions lacked merit. Therefore, Ball is not entitled to relief for this claim. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Scott N. Freeman, District Judge  
Law Office of Thomas L. Qualls, Ltd.  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk