

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEREMY LEIGH BECKMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67920

FILED

DEC 17 2015

TRACHE K. LINDEMAN
CLERK OF SUPREME COURT
Trache K. Lindeman
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a pro se appeal from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; J. Charles Thompson, Senior Judge.

In his petition filed on February 4, 2015, appellant claimed that his counsel was ineffective for failing to file a direct appeal despite being requested to do so.² We conclude that the district court did not err in denying the petition. Appellant expressly waived the right to a direct appeal as a term of the plea negotiations. Thus, trial counsel was not ineffective for failing to file a direct appeal under these circumstances.


¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

²Appellant stated that he wanted to appeal from the denial of a presentence motion to withdraw a guilty plea. However, there is no independent appeal from the denial of a presentence motion to withdraw a guilty plea; the denial of a presentence motion to withdraw a guilty plea may be challenged in a direct appeal. *See Hargrove v. State*, 100 Nev. 498, 502 n.3, 686 P.2d 222, 225 n.3 (1984).

15-38656

See *Hill v. Lockhart*, 474 U.S. 52, 58-59 (1985); *Kirksey v. State*, 112 Nev. 980, 988, 923 P.2d 1102, 1107 (1996). Accordingly, we

ORDER the judgment of the district court AFFIRMED.³

 _____, J.

Saitta

 _____, J.

Gibbons

 _____, J.

Pickering

cc: Chief Judge, The Eighth Judicial District Court
Hon. J. Charles Thompson, Senior Judge
Jeremy Leigh Beckman
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³We have reviewed all documents that appellant has submitted in pro se to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.