

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LENARD JONES, A/K/A LEONARD
VERNARD JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69254

FILED

APR 20 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

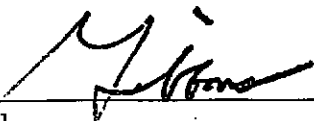
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted battery with substantial bodily harm. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

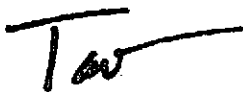
Appellant Lenard Jones claims the district court abused its discretion by denying his request to withdraw his guilty plea without a full review of the record.

Jones acknowledges that when he initially expressed a desire to withdraw his plea the district court appointed alternate counsel to assist him. Alternate counsel ultimately determined there was no basis for withdrawing the plea and no motion to withdraw the plea was ever filed. Therefore, there was no motion for the district court to rule on. As a

result, there is no decision for this court to review on appeal, and because Jones raises no other issues on appeal, we

ORDER the judgment of conviction AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

¹To the extent Jones claims his counsel was ineffective for failing to file a motion to withdraw the plea, this claim is improperly raised on direct appeal and must be raised in the first instance by filing a post-conviction petition for a writ of habeas corpus in the district court in compliance with NRS Chapter 34. See NRS 34.810(1); *Pellegrini v. State*, 117 Nev. 860, 883, 34 P.3d 519, 534 (2001). And to the extent Jones claims this appeal should be remanded to the district court to allow him to move to withdraw the plea, we conclude such relief is not warranted. Jones may also challenge the validity of his plea in a post-conviction petition for a writ of habeas corpus. See NRS 34.810(1). We express no opinion regarding the merits of any such challenges.

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