

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT ANTHONY BROOKS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 36816

**FILED**

MAR 03 2003

ORDER DISMISSING APPEAL

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY J. Richards  
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of sexual assault of a minor under the age of fourteen, and one count of lewdness with a child under the age of fourteen. The district court sentenced appellant to a prison term of life with parole eligibility after 20 years for sexual assault, and to a consecutive prison term of life with parole eligibility after 10 years for lewdness.

Appellant first contends that his plea was entered involuntarily. However, this court

no longer permit[s] a defendant to challenge the validity of a guilty plea on direct appeal from the judgment of conviction. Instead a defendant must raise a challenge to the validity of his or her guilty plea in the district court in the first instance, either by bringing a motion to withdraw the guilty plea, or by initiating a post-conviction proceeding.<sup>1</sup>

Appellant also contends that his trial counsel was ineffective for several reasons. However, claims of ineffective assistance of counsel

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<sup>1</sup>Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986).


may not be raised on direct appeal, unless the claims have already been the subject of an evidentiary hearing.<sup>2</sup>

Having concluded that neither of appellant's contentions are appropriate for review on direct appeal, we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

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

cc: Hon. Jackie Glass, District Judge  
Gary E. Gowen  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>2</sup>Feazell v. State, 111 Nev. 1446, 906 P.2d 727 (1995).