

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAIME HERNANDEZ-ROBLES,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 37406

FILED

JUL 18 2001

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of trafficking in a controlled substance. The district court sentenced appellant to serve 10 to 25 years in prison.

Appellant first contends that he received ineffective assistance of counsel that caused delays of the scheduled trial and led appellant to plead guilty to conclude the case. We have held that a claim of ineffective assistance of counsel may not be raised on direct appeal, "unless there has already been an evidentiary hearing," and that such claims must be raised in the district court in the first instance by commencing a post-conviction proceeding under NRS chapter 34.¹ Because an evidentiary hearing has not been held in this case and appellant's claim has not been raised in the district court in the first instance, we conclude that appellant's claim is not appropriate for review on direct appeal.

Appellant next argues that prosecutor caused delays in the scheduled trial by failing to provide evidence to the defense in a timely manner and that, as a result, appellant was deprived of his right to a speedy trial. We have held, however, that entry of a guilty plea waives all errors,

¹Feazell v. State, 111 Nev. 1446, 1449, 906 P.2d 727, 729 (1995).


including constitutional errors, occurring prior to entry of the plea.² Accordingly, we conclude that appellant waived any claim that the State deprived him of his right to a speedy trial.

Having considered appellant's contentions and concluded that they either lack merit or are not appropriate for review on direct appeal, we

ORDER the judgment of conviction AFFIRMED.


Shearing

J.


Agosti

J.


Rose

J.

cc: Hon. Michael R. Griffin, District Judge
Attorney General
Carson City District Attorney
Crowell Susich Owen & Tackes
Carson City Clerk

²Webb v. State, 91 Nev. 469, 538 P.2d 164 (1975).