

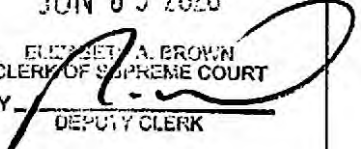
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

AMBER ALLENE FOSTER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79342-COA

FILED

JUN 05 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK


ORDER OF AFFIRMANCE

Amber Allene Foster appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on March 21, 2019. Eighth Judicial District Court, Clark County; Cristina D. Silva, Judge.

Foster contends the district court erred by denying her petition. In her petition below, Foster claimed the State breached the guilty plea agreement and she was entitled to additional presentence credit. Foster's claims neither challenged the validity of her guilty plea nor alleged that she received ineffective assistance of counsel. Accordingly, they were outside the scope of claims permissible in a postconviction petition for a writ of habeas corpus challenging a judgment of conviction based on a guilty plea. *See* NRS 34.810(1)(a); *see also Franklin v. State*, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (“[C]laims that are appropriate for a direct appeal must be pursued on direct appeal, or they will be considered waived in subsequent proceedings.”), *overruled on other grounds by Thomas v. State*, 115 Nev. 148,

150, 979 P.2d 222, 223-24 (1999). We therefore conclude the district court did not err by denying Foster's petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Cristina D. Silva, District Judge
Amber Allene Foster
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk