

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERONIMO LEMUS-VARGAS,

No. 37490

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

**FILED**

**JUN 05 2001**

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

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of trafficking in a controlled substance.<sup>1</sup> The district court sentenced appellant to serve 12 to 48 months in prison, to be served consecutively to the sentence imposed in district court case 00-01517C.

Appellant contends that his guilty plea was not knowingly and voluntarily entered because he did not understand the consequences of his plea. We decline to reach this issue.

In Bryant v. State,<sup>2</sup> we explained that challenges to the validity of a guilty plea must be raised in the district court in the first instance:

[W]e will no longer permit 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

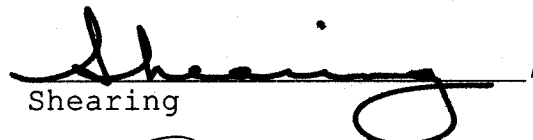
<sup>1</sup>At the same time that the district court entered the judgment of conviction on the trafficking charge, it also entered a separate judgment of conviction against appellant for felony driving under the influence in district court case 00-01517C. The notice of appeal filed in this court only lists the district court case number for the trafficking case. Accordingly, we lack jurisdiction to consider any issues regarding the DUI conviction in district court case 00-01517C.

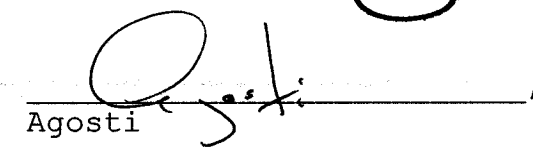
<sup>2</sup>102 Nev. 268, 721 P.2d 364 (1986).

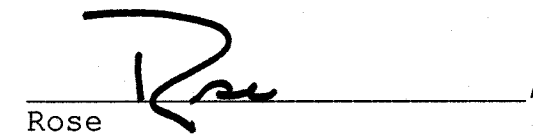
a motion to withdraw the guilty plea, or by initiating a post-conviction proceeding.<sup>3</sup>

Because appellant has not challenged his guilty plea in the district court, we conclude that his claim is not appropriate for review on direct appeal from the judgment of conviction. Accordingly, we

ORDER this appeal DISMISSED.

  
Shearing J.

  
Agosti J.

  
Rose J.

cc: Hon. William A. Maddox, District Judge  
Attorney General  
Carson City District Attorney  
Crowell Susich Owen & Tackes  
Carson City Clerk

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<sup>3</sup>Id. at 272, 721 P.2d at 367-68.