

IN THE SUPREME COURT OF THE STATE OF NEVADA

JIMMIE KAPPERS,

No. 37906

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

SEP 27 2001

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

ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of reckless driving (Count I) and driving while under the influence of intoxicating liquor (DUI) (Count II). On Count I, the district court sentenced appellant to a prison term of 12 to 30 months, suspended execution of the sentence, and then placed appellant on probation for five years. On Count II, the district court sentenced appellant to a concurrent jail term of 6 months.

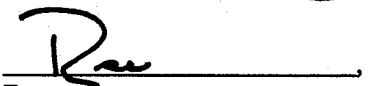
Appellant's sole contention is that the district court erred in denying his pretrial motion in limine. In the motion, appellant contended that the evidence derived from his blood test should be excluded because he was exempt from such a test because he had a heart condition and was taking an anticoagulant. The district court denied appellant's motion, finding that appellant was not exempt from the test because: (1) he had failed to inform law enforcement that he was taking anticoagulants; (2) he voluntarily agreed to take the blood test; and (3) he suffered no prejudice arising from the blood test.

Thereafter, appellant pleaded guilty to the charges of reckless driving and DUI. Notably, in pleading guilty, appellant did not reserve, in writing, the right to appeal the district court order denying his pretrial motion in limine, as provided for in NRS 174.035(3). In fact, appellant's plea agreement stated that, by pleading guilty, appellant was waiving his right to appeal the conviction except for constitutional, jurisdictional, or other grounds challenging the legality of the proceeding and except as otherwise provided in NRS 174.035(3).

As a general rule, the entry of a guilty plea waives all errors arising prior to the plea.¹ We conclude that the general rule applies to the instant case and that appellant waived his right to appeal the district court order denying his motion in limine when he pleaded guilty without specifically reserving, in writing, the right to appeal this issue.²

Having considered appellant's contention and concluded that he waived his right to appeal this issue, we ORDER the judgment of conviction AFFIRMED.

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Mark W. Gibbons, District Judge
Attorney General
Clark County District Attorney
Carmine J. Colucci & Associates
Clark County Clerk

¹See Warden v. Lyons, 100 Nev. 430, 683 P.2d 504 (1984); Webb v. State, 91 Nev. 469, 538 P.2d 164 (1975).

²See NRS 174.035(3); Webb, 91 Nev. at 470, 538 P.2d at 165 (citing Tollett v. Henderson, 411 U.S. 258, 267 (1973)).