

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TROY RAY EMANUEL, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89207-COA

FILED

MAY 06 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Troy Ray Emanuel, Jr. appeals pursuant to NRAP 4(c) from a judgment of conviction, entered pursuant to guilty and *Alford*¹ pleas, of conspiracy to commit murder, five counts of attempted murder with the use of a deadly weapon, four counts of battery with the use of a deadly weapon resulting in substantial bodily harm, and robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

Emanuel argues the district court abused its discretion in denying his motions to dismiss counsel as rogue documents and in threatening to duct tape his mouth during a pre-plea hearing.² “[A] guilty plea represents a break in the chain of events which has preceded it in the criminal process.”³ *Tollett v. Henderson*, 411 U.S. 258, 267 (1973); *see also Webb v. State*, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975) (applying *Tollett*).

¹*North Carolina v. Alford*, 400 U.S. 25 (1970).

²The Honorable Douglas E. Smith, District Judge, presided over this hearing.

³An *Alford* plea is equivalent to a plea of nolo contendere, which permits the court to treat a defendant as if the defendant pleaded guilty. *State v. Gomes*, 112 Nev. 1473, 1479, 930 P.2d 701, 705 (1970).


“When a criminal defendant has solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea.” *Tollett*, 411 U.S. at 267; *see also Webb*, 91 Nev. at 470, 538 P.2d at 165 (stating that the entry of a guilty plea generally waives any right to appeal from events occurring prior to the entry of the plea). Emanuel’s guilty plea also contained a waiver of his right to pursue a direct appeal. Emanuel’s arguments relate to errors occurring prior to the entry of the guilty plea. Thus, these claims are waived by entry of the guilty plea and the included waiver, which the record indicates was entered knowingly and voluntarily.

Further, given Emanuel’s representations during the plea canvass that he discussed potential defenses and strategies with counsel, counsel thoroughly explained the rights he was waiving, he was satisfied with counsel’s performance, and he was not operating under duress, Emanuel did not demonstrate a constructive denial of the right to counsel rendering the appeal waiver invalid or that its enforcement would result in a miscarriage of justice. *See Burns v. State*, 137 Nev. 494, 499-500, 495 P.3d 1091, 1099-1100 (2021) (enforcing appeal waiver prospectively so long as the issue is within the scope of the waiver, the waiver was entered knowing and voluntarily, and enforcement does not result in a miscarriage of justice). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Erika D. Ballou, District Judge
Karen A. Connolly, Ltd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk