

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DONALDO YASAEI MENDOZA-
MAYORGA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90283-COA

FILED

SEP 16 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *all Hayes*
DEPUTY CLERK

ORDER OF AFFIRMANCE


Donaldo Yasael Mendoza-Mayorga appeals from a judgment of conviction, entered pursuant to a guilty plea, of soliciting a child for prostitution. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Acknowledging that his sentence is within the legal limits and consistent with the guilty plea, Mendoza-Mayorga urges this court to construe his notice of appeal as an expression of dissatisfaction with his guilty plea and to remand for the district court to treat it as a postconviction petition for a writ of habeas corpus. In support of his argument, Mendoza-Mayorga contends that this court should expand *Harris v. State*, 130 Nev. 435, 329 P.3d 619 (2014), and NRS 177.015(4) to permit it to construe a notice of appeal filed in this case as a postconviction petition for a writ of habeas corpus. We decline to do so.

Mendoza-Mayorga's reliance on *Harris* is misplaced because *Harris* acknowledges that a direct appeal is separate and distinct from the remedy of a postconviction habeas petition. 130 Nev. at 445, 329 P.3d at 626 (recognizing that "excepted from the exclusive-remedy language [in NRS 34.724] are the remedy of a direct appeal and remedies that are

incident to the proceedings in the trial court" (internal quotation marks omitted)). Moreover, if Mendoza-Mayorga is dissatisfied with his guilty plea, he may file a postconviction petition for a writ of habeas corpus in compliance with NRS Chapter 34 in the district court.¹ Because Mendoza-Mayorga does not challenge the judgment of conviction or sentence, he has not demonstrated any error.² Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

¹We express no opinion as to whether appellant can satisfy the procedural requirements of NRS Chapter 34.

²To the extent Mendoza-Mayorga argues his counsel was ineffective, claims of ineffective assistance are not appropriate on direct appeal from the judgment of conviction "unless there has already been an evidentiary hearing" regarding such claims. *Feazell v. State*, 111 Nev. 1446, 1449, 906 P.2d 727, 729 (1995). Because the district court did not conduct an evidentiary hearing regarding ineffective assistance of counsel claims, we decline to address such claims in this appeal.

cc: Hon. Connie J. Steinheimer, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk