

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL LOGAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89972-COA

FILED

SEP 30 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Michael Logan appeals from a judgment of conviction, entered pursuant to an *Alford*¹ plea, of open or gross lewdness in the presence of a child. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Chief Judge.

Logan argues on appeal that his conviction should be reversed for three reasons. First, Logan asserts the district court erred in granting the State's motion in limine for the admission of his confession during a custodial interrogation. Second, Logan asserts the district court abused its discretion by denying his motion for a continuance of trial. Finally, Logan asserts that the cumulative effect of errors below violated his right to a fair trial.

"[A] guilty plea represents a break in the chain of events which has preceded it in the criminal process." *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*). "When a criminal defendant has solemnly admitted in

¹*North Carolina v. Alford*, 400 U.S. 25 (1970). An *Alford* plea is equivalent to a guilty plea insofar as how the court treats a defendant. *State v. Lewis*, 124 Nev. 132, 133 n.1, 178 P.3d 146, 147 n.1 (2008), *overruled on other grounds by State v. Harris*, 131 Nev. 551, 556, 355 P.3d 791, 793-94 (2015).

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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).

Here, the language of Logan’s plea agreement included an express waiver of his right to pursue a direct appeal, and he did not reserve in the plea agreement the right to appeal the issues now raised. *See* NRS 174.035(3). Additionally, Logan’s claims relate to errors that occurred prior to entry of the guilty plea. Thus, these claims are waived by the entry of the guilty plea and the included waiver, which the record indicates was entered knowingly and voluntarily. *See Cruzado v. State*, 110 Nev. 745, 747, 879 P.2d 1195, 1195 (1994) (“A knowing and voluntary waiver of the right to appeal made pursuant to a plea bargain is valid and enforceable.”), *overruled on other grounds by Lee v. State*, 115 Nev. 207, 210, 985 P.2d 164, 166 (1999). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Steve L. Dobrescu, Chief Judge
Nevada State Public Defender's Office
Attorney General/Carson City
White Pine County District Attorney
White Pine County Clerk