

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN INGEBRETSEN,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 38391

FILED

JAN 23 2002

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

ORDER DISMISSING APPEAL

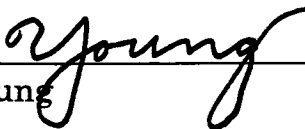
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted use of a minor in producing pornography (count I), possession of visual presentation depicting sexual conduct of a person under 16 years of age (count II), and open or gross lewdness (count III). The district court sentenced appellant John Ingebretsen to serve a prison term of 36 to 120 months for count I, a concurrent prison term of 12 to 48 months for count II, and a concurrent jail term of 12 months for count III. The district court also imposed a special sentence of lifetime supervision to commence upon completion of any term of probation, imprisonment, or parole.


Ingebretsen contends that his guilty plea was not knowing and voluntary because the district court failed to explain the maximum possible punishment for count I, the effect of the forty percent rule, and the specifics of lifetime supervision. We need not consider Ingebretsen's contention.

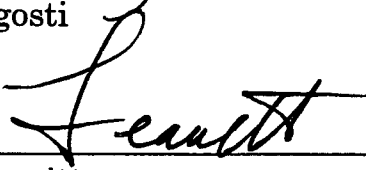
This court has stated that it will no longer permit a defendant to challenge the validity of a guilty plea on direct appeal from the

judgment of conviction.¹ Instead, a defendant must raise a challenge to the validity of his guilty plea in the district court in the first instance, either by bringing a motion to withdraw the guilty plea, or by initiating a post-conviction proceeding.² Further, the error alleged is not clear from the face of the record, and therefore this court will not consider the validity of the guilty plea on direct appeal as it did in Lyons v. State,³ and Smith v. State.⁴ Ingebretsen must pursue his claims in the district court in the first instance. Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Lee A. Gates, District Judge
Attorney General/Carson City
Clark County District Attorney
Clark County Public Defender
Clark County Clerk

¹Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986).

²Id.

³105 Nev. 317, 775 P.2d 219 (1989).

⁴110 Nev. 1009, 879 P.2d 60 (1994).