

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDY PAUL AFONASIEV,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 38621

**FILED**

**FEB 27 2002**

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one felony count of failure to appear after admission to bail or release without bail, a violation of NRS 199.335. Appellant Andy Afonasiiev was sentenced to serve a term of 12 to 30 months in the Nevada State Prison, to run consecutively to two sentences in other cases.

Afonasiiev contends that this conviction was obtained in violation of the Interstate Agreement on Detainers (IAD), as codified in Nevada under NRS 178.620. He further argues that the district court erred by denying his motion to dismiss the charge of failure to appear on the basis of this alleged IAD violation. Specifically, Afonasiiev claims that the State of Nevada was required to and did not hold his trial within 120 days of his arrival in Nevada, pursuant to Article IV of the IAD.<sup>1</sup>

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<sup>1</sup>NRS 178.620, Article IV states in relevant part:

*continued on next page . . .*

Our review of the record reveals that Afonasiiev waived his right to raise this issue on appeal by pleading guilty.<sup>2</sup> Once a defendant enters a guilty plea, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea.<sup>3</sup> This doctrine, derived from rulings for

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*... continued*

(a) The appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner [in another state which is party to the IAD] . . . made available . . . upon presentation of a written request for temporary custody . . . to the appropriate authorities of the state in which the prisoner is incarcerated . . . .

. . . .

(c) In respect of any proceeding made possible by this Article, trial shall be commenced within one hundred twenty days of the arrival of the prisoner in the receiving state . . . .

<sup>2</sup>United States v. Fulford, 825 F.2d 3, 10 (3d Cir. 1987) (stating that fact that guilty plea waives IAD violations is “fundamental principle”); see also New York v. Hill, 1528 U.S. 110, 111 (2000) (noting that IAD is an interstate compact governed by federal law in its construction and application).

<sup>3</sup>Tollett v. Henderson, 411 U.S. 258, 267 (1973); accord Webb v. State, 91 Nev. 469, 538 P.2d 164 (1975).

alleged constitutional violations, applies also to alleged statutory violations such as of the IAD.<sup>4</sup>

Having concluded that appellant's contention was waived by his guilty plea, we

ORDER the judgment of conviction AFFIRMED.

Young, J.  
Young

Agosti, J.  
Agosti

Leavitt, J.  
Leavitt

cc: Hon. John P. Davis, District Judge  
Attorney General/Carson City  
Nye County District Attorney/Tonopah  
Robert E. Glennen III  
Nye County Clerk

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<sup>4</sup>Fulford, 825 F.2d at 10.