

IN THE SUPREME COURT OF THE STATE OF NEVADA

OSCAR BARAJAS BALTAZAR,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 39970

FILED

OCT 29 2002

ORDER OF AFFIRMANCE

JANE F. M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of mid-level trafficking in a controlled substance. The district court sentenced appellant Oscar Barajas Baltazar to serve a prison term of 24-60 months; he was given credit for 190 days time served.

Baltazar contends that his right to a speedy trial in the district court, pursuant to NRS 178.556(1), was violated; therefore, he argues, pursuant to NRS 178.562, this court should allow him to withdraw his guilty plea and bar further prosecution of this case. Baltazar also contends, citing to Davis v. State<sup>1</sup> for support, that his guilty plea does not bar a challenge to the denial of his speedy trial right because such an appeal is based on jurisdictional grounds. We disagree with both arguments.

This court has stated that the entry of a guilty plea waives any right to appeal regarding events occurring prior to the entry of the plea.<sup>2</sup> Further, the right to a speedy trial is not jurisdictional and may be

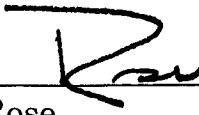
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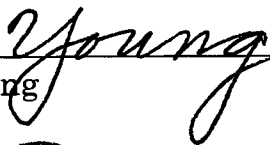
<sup>1</sup>115 Nev. 17, 19, 974 P.2d 658, 659 (1999); see also NRS 177.015(4).

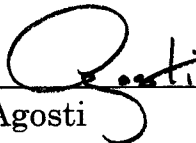
<sup>2</sup>See Webb v. State, 91 Nev. 469, 538 P.2d 164 (1975); see also Tollett v. Henderson, 411 U.S. 258, 267 (1973).

waived by the conduct of the defendant.<sup>3</sup> Therefore, we conclude that Baltazar has waived his right to challenge the alleged denial of his speedy trial right, and that his contentions are without merit. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

cc: Hon. John S. McGroarty, District Judge  
Attorney General/Carson City  
Clark County District Attorney  
Clark County Public Defender  
Clark County Clerk

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<sup>3</sup>See Bates v. State, 84 Nev. 43, 46, 436 P.2d 27, 29 (1968). In Bates, this court similarly held, as in the instant case, that “when the appellant entered his plea of guilty . . . he waived whatever right he had to a speedy trial.” Id. at 47, 436 P.2d at 29.