

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL S. BERRY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 40386

FILED

DEC 10 2003

ORDER DISMISSING APPEAL

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of attempted robbery, and one count of possession of stolen property. The district court sentenced appellant to a prison term of 16 to 72 months for attempted robbery, and a consecutive prison term of 12 to 36 months for possession of stolen property.

Appellant's sole contention on appeal is that his guilty plea was not valid because he was coerced into entering a plea by the district court judge. This court has held that "a defendant must raise a challenge to the validity of his or her 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."¹


At the sentencing hearing, appellant made an oral motion to withdraw his plea, but his motion was based on the State's alleged failure to provide copies of photographs of the crime scene to appellant. Because appellant raises a completely different challenge to his guilty plea for the first time in this direct appeal, we will not address this issue.


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

Having concluded that appellant's contention is not appropriate for review on direct appeal, we

ORDER this appeal DISMISSED.


_____, J.
Becker


_____, J.
Shearing


_____, J.
Gibbons

cc: Hon. Michael A. Cherry, District Judge
Law Office of Betsy Allen
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk