

IN THE SUPREME COURT OF THE STATE OF NEVADA

CEDRIC D. FLEMONS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 40714

FILED

AUG 13 2003

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of first-degree murder and robbery with the use of a deadly weapon. The district court sentenced appellant Cedric Flemons to life in the Nevada State Prison with the possibility of parole for murder and two consecutive prison terms of 72 to 180 months for robbery with the use of a deadly weapon, to be served consecutively to the murder sentence.


Appellant claims that his guilty plea was involuntarily and unknowingly entered because he did not understand the elements of the crime. This court does not 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 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."² We conclude that appellant's challenge to his guilty plea may not be entertained on direct appeal. Moreover, contrary to appellant's assertion,


¹See Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 367-68 (1986).

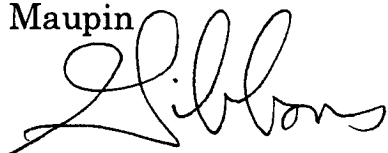
²Id.

the facts of this case do not come within the narrow exception for review of the validity of a guilty plea on direct appeal.³ Accordingly we,

ORDER the judgment of conviction AFFIRMED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

cc: Hon. Joseph T. Bonaventure, District Judge
Special Public Defender
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

³See Smith v. State, 110 Nev. 1009, 1010 n.1, 879 P.2d 60, 61 n.1 (1994) (stating that this court will consider a challenge to a guilty plea on direct appeal where the error clearly appears from the record).