

IN THE SUPREME COURT OF THE STATE OF NEVADA

DWIGHT ELLIOTT CARNES, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 41512

**FILED**

JAN 13 2004

ORDER DISMISSING APPEAL

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of robbery with the use of a firearm. The district court sentenced appellant to a prison term of 40 to 180 months, with an equal and consecutive term for the use of a firearm. The district court further ordered appellant to pay restitution in the amount of \$2,385.12.

Appellant first contends that his trial counsel was ineffective for several reasons. However, claims of ineffective assistance of counsel may not be raised on direct appeal, unless the claims have already been the subject of an evidentiary hearing.<sup>1</sup>

Appellant next contends that he was prejudiced because a group of students was allowed to observe the sentencing hearing. Appellant cites no authority for the proposition that his sentencing hearing or sentencing hearings generally should be closed to the public. Because appellant has failed to provide relevant authority and cogent argument, we need not consider appellant's contention.<sup>2</sup>


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<sup>1</sup>Feazell v. State, 111 Nev. 1446, 906 P.2d 727 (1995).


<sup>2</sup>Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987).

Having concluded that appellant's arguments are either not appropriate for review on direct appeal or have not been adequately briefed, we

ORDER this appeal DISMISSED.<sup>3</sup>

  
Shearing, C.J.

  
Becker, J.

  
Gibbons, J.

cc: Hon. Jerome Polaha, District Judge  
Edward B. Horn  
Attorney General Brian Sandoval/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk

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<sup>3</sup>In the fast track statement, counsel informs this court that he believes there is no merit to either of the issues raised. Counsel's statement is made pursuant to Sanchez v. State, 85 Nev. 95, 450 P.2d 793 (1969). Counsel is reminded that this court overruled Sanchez in Ramos v. State, 113 Nev. 1081, 944 P.2d 856 (1997). In the future, counsel is expected to "argue for [his] clients without conceding an appeal is without merit." Id. at 1084, 944 P.2d at 858.