

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANTE MICHAEL VINCI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54829

FILED

JUL 15 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of second-degree murder with the use of a deadly weapon. Second Judicial District Court, Washoe County; Jerome Polaha, Judge. Appellant does not challenge the judgment of conviction or sentence. Instead, he argues that this court should interpret the notice of appeal as an expression of appellant's dissatisfaction with the guilty plea and remand this matter for appellant to file a post-conviction motion to withdraw the guilty plea. While appellant may be dissatisfied with the guilty plea, his remedy, if any, at this time lies in filing a motion to withdraw the plea or a post-conviction petition for a writ of habeas corpus pursuant to NRS chapter 34 in the district court. See Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 267-68 (1986). A remand therefore is unnecessary. Because appellant has not demonstrated error, we

ORDER the judgment of conviction AFFIRMED.

/ Jan Lesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Jerome Polaha, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk