

IN THE SUPREME COURT OF THE STATE OF NEVADA

LORENZO JUAN RAMIREZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60324

FILED

JAN 16 2013

TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Ingersoll
DEPUTY CLERK

ORDER OF AFFIRMANCE

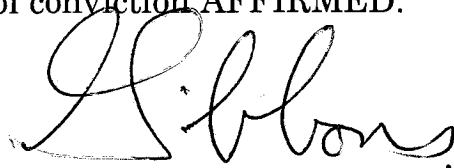
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of felony failure to appear. Third Judicial District Court, Lyon County; Leon Aberasturi, Judge.

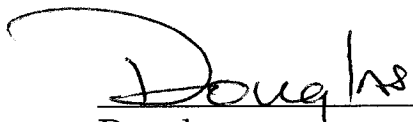
Appellant Lorenzo Ramirez contends that he did not commit the offense of felony failure to appear because the order releasing him on his own recognizance did not include a date, time, and place to appear, which was an essential element of the offense. Ramirez waived his right to raise this issue when he pleaded guilty to the charge of felony failure to appear without expressly preserving this issue for review on appeal.¹ See NRS 174.035(3); Webb v. State, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975) (the entry of a guilty plea generally waives any right to appeal from events occurring prior to the entry of the plea).


¹To the extent that Ramirez challenges his conviction on this basis, he may seek relief in a post-conviction petition for a writ of habeas corpus. See NRS 34.724. We express no opinion regarding the merits of any such claim.

Ramirez also contends that his guilty plea was not knowingly, voluntarily, and intelligently entered because he did not fully understand the elements of the offense. As a general rule, a challenge to the validity of a guilty plea must be raised in the district court in the first instance in a motion to withdraw the guilty plea or a post-conviction petition for a writ of habeas corpus. Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986), as limited by Smith v. State, 110 Nev. 1009, 1010-11 n.1, 879 P.2d 60, 61 n.1 (1994). Because Ramirez did not challenge the validity of his guilty plea in the district court and there is no clear error presented in this case, we decline to address this claim here. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Leon Aberasturi, District Judge
Law Offices of John P. Schlegelmilch, Ltd.
Attorney General/Carson City
Lyon County District Attorney
District Court Clerk