

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LALO STEVE BUTKIEWICZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69215

FILED

MAR 16 2016

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 trafficking in controlled substances, except marijuana, of at least 4 grams but less than 14 grams. Third Judicial District Court, Lyon County; Leon Aberasturi, Judge.

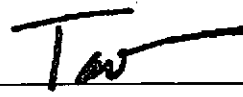
Appellant Lalo Butkiewicz claims his plea was not entered knowingly and voluntarily because he did not fully understand the nature and consequences of the plea and because he felt coerced and under duress to enter the plea as a result of being in administrative segregation for an extended period of time.


As a general rule, challenges to the validity of a guilty plea must be raised in the district court in the first instance in a presentence motion to withdraw a guilty plea or a postconviction petition for a writ of habeas corpus. *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986); *see also Harris v. State*, 130 Nev. ___, ___, 329 P.3d 619, 628 (2014) ("a post-conviction petition for a writ of habeas corpus provides the exclusive remedy for a challenge to the validity of the guilty plea made after sentencing for persons in custody on the conviction being challenged"). Because we are not convinced that Butkiewicz's claims fit an

exception to this general rule, *cf. Smith v. State*, 110 Nev. 1009, 1010-11 n.1, 879 P.2d 60, 61 n.1 (1994) (indicating that general rule stated in *Bryant* would not apply "where the error clearly appears from the record"), we decline to consider the challenge to the validity of the guilty plea. And because Butkiewicz raises no other issues for this court's consideration, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Leon Aberasturi, District Judge
Trotter Law Offices, LLC
Attorney General/Carson City
Lyon County District Attorney
Third District Court Clerk