

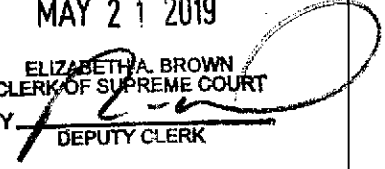
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DANIEL ELIYAHSHUA KLEIN, A/K/A
DANIEL ELIYAHSHUA M. KLEIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73310-COA

FILED

MAY 21 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE


Daniel Eliyahshua Klein appeals from a judgment of conviction entered pursuant to a guilty plea of trafficking in a controlled substance. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Klein argues the district court erred by not ruling on his post-sentence motion to withdraw his guilty plea. Because Klein filed this motion after the sentencing hearing, his challenge to the district court's handling of that motion is not properly raised on direct appeal. *See* NRS 177.045; *Harris v. State*, 130 Nev. 435, 447-48, 329 P.3d 619, 628 (2014) (holding "a motion is incident to the proceedings in the trial court when it is filed prior to sentencing" and, therefore, "a motion to withdraw the guilty plea filed after sentencing is not incident to the proceedings in the trial court." (internal quotation marks omitted)). Therefore, we decline to

consider this claim.¹ And because Klein raises no other issues on appeal, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Valerie Adair, District Judge
Law Offices of Carl E.G. Arnold
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹We note, "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." *Harris*, 130 Nev. at 448, 329 P.3d at 628.