

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSHUA JEREMIAH GIPSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 83935-COA

FILED  
JUN 23 2022  
ELIZABETH A. B...  
CLERK OF SUPREME  
BY *[Signature]*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

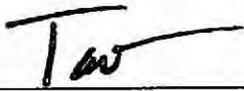
Joshua Jeremiah Gipson appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on August 27, 2021. Eighth Judicial District Court, Clark County; Tara D. Clark Newberry, Judge.

Gipson claims the district court erred by denying his claim that his plea was invalid because it was not knowingly, voluntarily, and intelligently entered. Gipson claimed his plea was invalid because he did not understand the potential penalty he was facing and he did not understand the factual basis for his plea to robbery with the use of a deadly weapon. Gipson filed a presentence motion to withdraw his guilty plea raising these same claims and he could have raised the denial of these claims in a direct appeal. By failing to do so, he waived his right to raise these claims. *See Franklin v. State*, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994), *overruled on other grounds by Thomas v. State*, 115 Nev. 148, 979

P.2d 222 (1999). Therefore, we conclude the district court did not err by denying the petition, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Tara D. Clark Newberry, District Judge  
Joshua Jeremiah Gipson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk