

IN THE SUPREME COURT OF THE STATE OF NEVADA

BARRY CRAIG MALONE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84849

BARRY CRAIG MALONE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84850

FILED

OCT 11 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabeth A. Brown*
DEPUTY CLERK

ORDER OF AFFIRMANCE

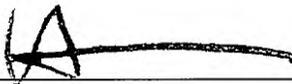
These are consolidated appeals from a judgment of conviction in CR21-3919, pursuant to a guilty plea, of possessing, receiving, or transferring a stolen vehicle, and a judgment of conviction in CR22-0107, pursuant to a guilty plea, of unlawful taking of a motor vehicle. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Acknowledging that his sentences are within legal limits and consistent with the guilty pleas, appellant Barry Malone urges this court to construe his notices of appeal as an expression of dissatisfaction with his guilty pleas and remand for the district court to treat them as postconviction petitions for a writ of habeas corpus. We decline to do so. If Malone is dissatisfied with his guilty pleas, he may file a postconviction petition for a writ of habeas corpus in compliance with NRS chapter 34 in the district court. Malone's reliance on this court's decision in *Harris v. State* is misplaced because *Harris* acknowledges that a direct appeal is separate and distinct from the remedy of a postconviction habeas petition. 130 Nev. 435, 445, 329 P.3d 619, 626 (2014) (recognizing that "excepted from the exclusive-remedy language [in NRS 34.724 is] the remedy of a direct appeal

and remedies that are incident to the proceedings in the trial court” (internal quotation marks omitted)). Because Malone does not challenge the judgments of conviction or sentences, he has not demonstrated any error. Accordingly, we

ORDER the judgments of the district court AFFIRMED.¹


Parraguirre, C.J.


Herndon, J.


Gibbons, Sr.J.

cc: Hon. Connie J. Steinheimer, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹The Honorable Mark Gibbons, Senior Justice, participated in the decision of this matter under a general order of assignment.