IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRANDON LEE GARZA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84286-COA

FILED

OCT 2 1 2022

ELIZABETH A. ~~~~~
CLERK OF SUPREME COURT
BY_~~~~~
DEPUTY C~~~

ORDER OF AFFIRMANCE

Brandon Lee Garza appeals from a judgment of conviction, entered pursuant to a guilty plea, of voluntary manslaughter with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Cristina D. Silva, Judge.

Garza argues the district court erred by imposing a $250 indigent defense civil assessment fee as part of his sentence without considering whether he had the ability to pay for it. Garza waived his right to a direct appeal of his conviction. Garza does not argue that his plea was not made knowingly and voluntarily or that his claims are outside the scope of the waiver. Therefore, Garza's claims are waived unless denying the right to an appeal would work a miscarriage of justice. *See Burns v. State*, 137 Nev., Adv. Op. 50, 495 P.3d 1091, 1099-100 (2021).

Garza argues the imposition of the assessment constitutes a miscarriage of justice because indigent criminal defendants are entitled to representation without charge. NRS 178.3975(1) authorizes a court to order a defendant to pay for expenses incurred in providing the defendant with an attorney, and Garza does not argue the statute is unconstitutional. Moreover, an indigent defendant may petition the district court at any time

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for relief from his reimbursement obligation if payment will impose a manifest hardship, *see* NRS 178.3975(3), and a defendant may complete community service in lieu of reimbursement, *see* NRS 178.3975(5). Garza thus fails to demonstrate a miscarriage of justice would result if this court does not consider his claim on appeal. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
      Eighth Judicial District Court, Department 9
      Special Public Defender
      Attorney General/Carson City
      Clark County District Attorney
      Eighth District Court Clerk