



IN THE SUPREME COURT OF THE STATE OF NEVADA

AKIEL GRANT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 92921

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of two counts of possession of document or personal identifying information. Eighth Judicial District Court, Clark County; Hon. Erika L. Mendoza, Judge.

Appellant Akiel Grant pleaded guilty to two counts of possession of document or personal identifying information. In his plea agreement, Grant waived his “right to appeal the conviction or resulting sentence” and acknowledged that “I understand this means I am unconditionally waiving my right to a direct appeal of this prosecution, conviction, or any aspect of the resulting sentence, including any challenge based upon reasonable constitutional, jurisdictional or other grounds[.]” The district court sentenced Grant to an aggregate total sentence of 19 to 48 months in prison.

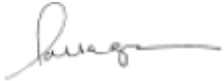
The state has filed a motion to dismiss this appeal. Grant filed an opposition. The State argues this appeal should be dismissed because it is precluded by the appeal waiver contained in the guilty plea agreement. Grant does not dispute the validity of the waiver, but argues this court should not enforce the waiver because the district court’s consideration of an active warrant in New Jersey resulted in an illegal sentence that, if not appealed, would result in a miscarriage of justice.

A defendant's knowing and voluntary waiver in a plea agreement of his appellate rights is generally valid and enforceable. *See Burns v. State*, 137 Nev. 494, 499-500, 495 P.3d 1091, 1099-1100 (2021) (enforcing waiver unless it would cause a "miscarriage of justice"); *see also Aldape v. State*, 139 Nev. 388, 389, 535 P.3d 1184, 1188 (2023) (discussing the criteria used to evaluate an appeal waiver in a plea agreement). Though a "court may correct an illegal sentence at any time[.]" NRS 176.555, the proper vehicle for contesting an illegal sentence is through a motion to the district court. *Edwards v. State*, 112 Nev. 704, 707-08, 918 P.2d 321, 324 (1996). Accordingly, the State's motion is granted and we

ORDER this appeal DISMISSED.¹



Pickering, J.



Parraguirre, J.



Bell, J.

cc: Attorney General/Carson City
Clark County District Attorney
Pitaro & Fumo, Chtd.
Akiel Grant
Hon. Erika L. Mendoza, District Judge
The Eighth Judicial District Court Clerk

¹Appellant's motion for an order directing the transmission of the presentence investigation report is denied as moot.