

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LARRY ANTHONY CRESPO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71448

**FILED**

AUG 14 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Larry Anthony Crespo appeals from a judgment of conviction, entered pursuant to a guilty plea, of possession of stolen property. Second Judicial District Court, Washoe County; Lidia Stiglich, Judge.

Crespo argues his guilty plea was invalid because the guilty plea agreement and the guilty plea canvass did not correctly inform him whether he was eligible for probation. Challenges to the validity of a guilty plea must generally be raised in the district court in the first instance by filing a presentence motion to withdraw the plea. *See Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 367-68 (1986), *limited by Smith v. State*, 110 Nev. 1009, 1010 n.1, 879 P.2d 60, 61 n.1 (1994). "There are exceptions to this rule in cases where: (1) the error clearly appears from the record; or (2) the challenge rests on legal rather than factual allegations." *O'Guinn v. State*, 118 Nev. 849, 851-52, 59 P.3d 488, 489-90 (2002) (footnotes omitted).


Crespo did not file a presentence motion to withdraw his guilty plea. However, Crespo argues the error appears clearly from the record. We disagree. Based on the record on appeal, this court cannot conclude the

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error appears clearly from the record. Therefore, we decline to consider this claim on direct appeal, and we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

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

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

cc: Chief Judge, Second Judicial District Court  
Law Office of Thomas L. Qualls, Ltd.  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk