

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CESAR ROGELIO JIMENEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81860-COA

FILED

JUN 17 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Cesar Rogelio Jimenez appeals from a judgment of conviction, entered pursuant to a guilty plea, of two counts of sexual assault, one count of first-degree kidnapping, and one count of robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

Jimenez claims he should be allowed to withdraw his plea because the district court imposed a sentence in excess of the sentence contemplated by the parties in the guilty plea agreement. Jimenez did not seek withdrawal of his guilty plea before the district court. Therefore, we decline to consider this argument for the first time on appeal. *See Rimer v. State*, 131 Nev. 307, 328 n.3, 351 P.3d 697, 713 n.3 (2015). Moreover, a postsentencing request to withdraw a guilty plea must be brought in a postconviction petition for a writ of habeas corpus. *See Harris v. State*, 130 Nev. 435, 448, 329 P.3d 619, 628 (2014). For the foregoing reasons, 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, Dept. 23
Nevada Defense Group
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk