

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICK LEE SMITH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83141-COA

FILED

APR 11 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE


Rick Lee Smith appeals from a judgment of conviction, entered pursuant to a guilty plea, of second-degree kidnapping and battery constituting domestic violence resulting in substantial bodily harm. Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

Smith claims that his plea was not knowingly, voluntarily, or intelligently entered because the district court did not conduct a thorough canvass, Smith did not demonstrate he understood the potential sentences, and he was rushed into pleading guilty. Generally, this court will not consider a challenge to the validity of a guilty plea on direct appeal from a judgment of conviction. *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986), as limited by *Smith v. State*, 110 Nev. 1009, 1010-11 n.1, 879 P.2d 60, 61 n.1 (1994). "Instead, a defendant must raise a challenge to the validity of his or her guilty plea in the district court in the first instance." *Id.*; see also *Smith*, 110 Nev. at 1010-11 n.1, 879 P.2d at 61 n.1 (stating that unless error clearly appears from the record, a challenge to the validity of a guilty plea must first be raised in the district court in a motion to withdraw guilty plea or a postconviction petition for a writ of habeas corpus). Smith did not previously raise a challenge to the validity of his guilty plea in the

district court, and the alleged errors do not clearly appear in the record. Accordingly, we decline to consider Smith's claims, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Egan K. Walker, District Judge
Oldenburg Law Office
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk