

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN PAUL SUTTON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55685

**FILED**

DEC 10 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

Appellant Brian Sutton contends that (1) his arrest was unlawful because the affidavit in support of the arrest warrant contained material misstatements, (2) the prosecutor committed misconduct by swearing to the veracity of those misstatements, and (3) the prosecutor improperly bolstered the credibility of a witness by not pursuing criminal charges against him. Sutton waived each of these claims by pleading guilty, and there is no indication in the record that he expressly preserved these issues for review on appeal. See NRS 174.035(3); Webb v. State, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

*Cherry*, J.  
Cherry

*Saitta*, J.  
Saitta

*Gibbons*, J.  
Gibbons

cc: Hon. Steven P. Elliott, District Judge  
Scott W. Edwards  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk