

IN THE SUPREME COURT OF THE STATE OF NEVADA

CESAR GARCIA-RODRIGUEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 61645

FILED

SEP 18 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Angerson*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of second-degree murder with the use of a deadly weapon and discharging a firearm out of a motor vehicle. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

Appellant Cesar Garcia-Rodriguez contends that his guilty plea is invalid because the district court failed to inform him of the lesser-included offenses to open murder. However, challenges to the validity of a guilty plea must be raised in the district court in the first instance, *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986), unless the error clearly appears from the record, *Smith v. State*, 110 Nev. 1009, 1010 n.1, 879 P.2d 60, 61 n.1 (1994). Garcia-Rodriguez has not demonstrated that the alleged error clearly appears from the record and we decline to review

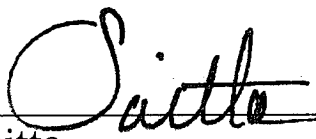
his challenge to the validity of the guilty plea in the first instance.

Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Patrick Flanagan, District Judge  
Richard F. Cornell  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk