


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KEITH PAUL BIRD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75502-COA

FILED

MAY 31 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Keith Paul Bird appeals from a judgment of conviction, pursuant to a guilty plea, of robbery. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.


Bird contends the district court erred by denying his motion to withdraw his guilty plea, because the court applied the wrong standard. The district court found that, "taking all things into account," there was no "substantial, fair or just reason" to allow Bird to withdraw his guilty plea. Bird did not demonstrate the district court failed to consider the totality of the circumstances when it found there was no fair and just reason to withdraw the guilty plea. *See Stevenson v. State*, 131 Nev. 598, 603, 354 P.3d 1277, 1281 (2015). Accordingly, Bird has not demonstrated the district court erred by denying his motion.


Bird also contends the plea canvass was inadequate. Bird did not raise this claim below, and we decline to consider it on appeal in the

first instance. See *Rimer v. State*, 131 Nev. 307, 328 n.3, 351 P.3d 697, 713 n.3 (2015). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Kenneth C. Cory, District Judge
Anthony L. Abbatangelo
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk