

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JUHJUAN WASHINGTON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 83275-COA

**FILED**

**MAR 15 2022**

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

*ORDER OF AFFIRMANCE*

Juhjuan Washington appeals from a judgment of conviction entered pursuant to a guilty plea of second-degree kidnapping, robbery with the use of a deadly weapon, attempted sexual assault, and open or gross lewdness. Eighth Judicial District Court, Clark County; Tara D. Clark Newberry, Judge.


First, Washington argues the district court erred by declining to permit him to withdraw his guilty plea because the district court's oral acceptance of his guilty plea was not binding or valid and he moved to withdraw his plea prior to the filing of the written plea agreement. "[A] defendant must raise a challenge to the validity of his or her guilty plea in the district court in the first instance." *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). Washington did not raise these challenges to the validity of his plea in the district court, and we decline to consider these issues because they are not properly raised in the first instance on direct appeal. See *Harris v. State*, 130 Nev. 435, 448, 329 P.3d 619, 628 (2014) ("[A] post-conviction petition for a writ of habeas corpus provides the exclusive remedy for a challenge to the validity of the guilty

plea made after sentencing for persons in custody on the conviction being challenged.”).

Second, Washington argues the district court erred by failing to appoint substitute counsel when he moved to withdraw his guilty plea. Washington contends he should have been appointed substitute counsel to determine if any issues involving his initial counsel warranted withdrawal of his guilty plea. However, Washington did not request appointment of substitute counsel in order to ascertain if there were additional bases for withdrawal of his guilty plea. Because Washington did not raise this alleged claim of error in the court below, and he has not argued it was plain error in this court, we conclude he has forfeited his claim and decline to review it on appeal. *See Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (2018). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Tara D. Clark Newberry, District Judge  
Nevada Defense Group  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk