

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARK ANTHONY GONZALEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88655-COA

FILED

FEB 25 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE


Mark Anthony Gonzalez appeals from a judgment of conviction, entered pursuant to a guilty plea, of two counts of residential burglary. Ninth Judicial District Court, Douglas County; Thomas W. Gregory, Judge.


Gonzalez argues that his guilty plea was not entered knowingly and voluntarily. He claims he did not understand the consequences of his plea because there was a discrepancy between his guilty plea agreement and the district court's canvass regarding his right to appeal and because he was not informed that the minimum prison term could be as much as 40% of the maximum prison term. 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, 367-68 (1986) (noting that the test for reviewing the validity of guilty pleas "is essentially factual in nature"), as limited by *Smith v. State*, 110 Nev. 1009, 1010 n.1, 879 P.2d 60, 61 n.1 (1994). Instead, a defendant must raise a challenge to the validity of their guilty plea in the district court in the first instance unless the error clearly appears from the record. *Smith*, 110 Nev. at 1010 n.1, 879 P.2d at 61 n.1. Here, Gonzalez did not raise his claims in the district court in the first instance and the alleged errors do not clearly

appear in the record. Therefore, we decline to consider these claims for the first time on appeal. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Thomas W. Gregory, District Judge
The Pariente Law Firm, P.C.
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk