


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALEX WAYNE CRISP,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90817-COA

FILED

DEC 16 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Alex Wayne Crisp appeals from a judgment of conviction, entered pursuant to a guilty plea, of fraudulent gaming act, first offense. Seventh Judicial District Court, White Pine County; Dylan V. Frehner, Judge.

Crisp pleaded guilty and, in the written guilty plea agreement, the parties agreed to recommend probation. However, if Crisp failed to interview with the Division of Parole and Probation (Division) or failed to appear for any subsequent hearing, the agreement provided that the State would be free to ask for any lawful sentence, including a term of imprisonment. Crisp failed to interview with the Division and failed to appear for his initial sentencing hearing. Thus, the district court allowed the State to seek any lawful sentence.

Crisp argues the district court abused its discretion at sentencing by allowing the State to argue for prison time. Specifically, Crisp argues he made a good faith attempt to interview with the Division but they would not interview him because he returned his paperwork late, according to an internal Division policy.

The record regarding Crisp's return of the paperwork to the Division and the Division's internal policy is not well developed; however, even assuming the failure to interview was not Crisp's fault, he fails to demonstrate the district court abused its discretion because he also failed to appear for his initial sentencing hearing. Below, Crisp conceded he failed to appear for his sentencing hearing, and he does not argue in his opening brief on appeal that the district court abused its discretion by allowing the State to argue for any lawful sentence on this ground. It is "well established that an appellant's failure to timely raise an issue in its briefing on appeal, even if it raised the issue before the district court, generally results in a waiver of that issue." *See Hung v. Genting Berhad*, 138 Nev. 547, 549, 513 P.3d 1285, 1287 (Ct. App. 2022); *see also* NRAP 28(c) (stating a reply brief is "limited to answering any new matter set forth in the opposing brief"); *LaChance v. State*, 130 Nev. 263, 277 n.7, 321 P.3d 919, 929 n.7 (2014) (declining to consider a new issue raised for the first time in the reply brief). Crisp's failure to appear at that hearing was sufficient reason to allow the State to deviate from the stipulated probation recommendation and to

request a prison term. Therefore, we conclude Crisp is not entitled to relief, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Dylan V. Frehner, District Judge
Attorney General/Carson City
Nevada State Public Defender's Office
White Pine County District Attorney
White Pine County Clerk