

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALVIN AMERICO BRESCIANI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45179

FILED

SEP 23 2005

ALVIN AMERICO BRESCIANI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45181

ANNETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
DEPUTY CLERK

ALVIN AMERICO BRESCIANI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45182

ORDER OF AFFIRMANCE

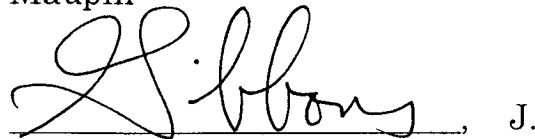
These are consolidated appeals from judgments of conviction, pursuant to guilty pleas, of one count each of obtaining and/or using the personal identification information of another, possession of a controlled substance, and trafficking in a controlled substance. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge. The district court sentenced appellant: to a prison term of 36 to 240 months for identity theft; to a concurrent prison term of 12 to 30 months for possession of a controlled substance; and to a concurrent prison term of 26 to 120 months for trafficking in a controlled substance.

Appellant's sole contention is that the prosecutor's statements at sentencing were prejudicial and tainted the proceedings. However, appellant failed to object to the prosecutor's statements at sentencing, and he has not demonstrated that the prosecutor's comments were patently prejudicial.¹ Accordingly, we

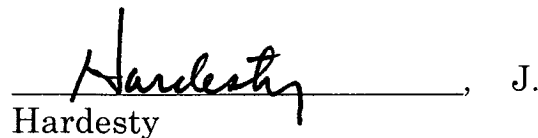
ORDER the judgments of conviction AFFIRMED.



Maupin



Gibbons



Hardesty

cc: Hon. Steven R. Kosach, District Judge
Washoe County Public Defender
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

¹Riker v. State, 111 Nev. 1316, 1328, 905 P.2d 706, 713 (1995) (holding that when appellant fails to object below, this court reviews alleged prosecutorial misconduct only if it constitutes plain error, i.e., if it is shown to be patently prejudicial).