

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER SCOTT STORM,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45314

FILED

FEB 23 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of grand larceny (count I) and one count of grand larceny of a motor vehicle (count II). Fifth Judicial District Court, Nye County; John P. Davis, Judge. The district court sentenced appellant Christopher Storm to a prison sentence of 24-60 months for count I, and 48-120 months for count II, to run concurrently with count I. The entire sentence was ordered to run consecutive to the sentence Storm is serving in Oregon.

Storm's sole appellate issue is whether the district court impermissibly denied the victim, Storm's mother, the chance to testify at his sentencing hearing. Storm failed to object at the sentencing hearing.

This court has consistently afforded the district court wide discretion in its sentencing decision.¹ Failure to object generally precludes appellate review unless plain error exists.² "Plain errors or defects


¹See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

²Cordova v. State, 116 Nev. 664, 666, 6 P.3d 481, 482 (2000).

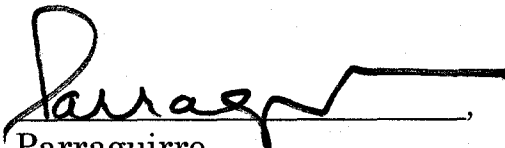
affecting substantial rights may be noticed although they were not brought to the attention of the court."³

Even assuming the district court acted contrary to the relevant statute,⁴ it would have been a violation of the victim's rights, not Storm's. As a result, Storm cannot say his substantive rights were violated. We conclude no plain or constitutional error occurred and Storm's contention is without merit. Therefore we,

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Becker


_____, J.
Parraguirre

cc: Hon. John P. Davis, District Judge
David H. Neely III
Attorney General George Chanos/Carson City
Nye County District Attorney/Pahrump
Nye County Clerk

³NRS 178.602; see also Gallego v. State, 117 Nev. 348, 365, 23 P.3d 227, 239 (2001).

⁴NRS 176.015(3).