

IN THE SUPREME COURT OF THE STATE OF NEVADA


CAMILLE CLARK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46023

FILED

MAY 24 2006

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of four counts of conspiracy to commit robbery, thirteen counts of robbery with the use of a deadly weapon, one count of attempted robbery with the use of a deadly weapon, and four counts of burglary while in possession of a firearm. Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge.

Appellant Camille Clark was sentenced to a prison term of 24-60 months on each of the four conspiracy counts. The district court sentenced Clark to a prison term of 60-180 months for each count of robbery, with an equal and consecutive sentence for the use of a deadly weapon. The district court also sentenced Clark to a prison term of 36-90 months for attempted robbery and for each count of burglary.

Clark contends prosecutorial misconduct occurred in closing arguments. Specifically, Clark claims the State improperly argued against the presumption of innocence in its closing argument.

[L]adies and gentlemen of the jury, before I get on with my argument, I want each of you to do something. I want you to take a look at that man sitting over there and reflect on what you've heard during the course of this trial. And as you are looking at him, think about the video surveillance that you saw; think about the witness testimony that you've heard here; think about the photographs you saw and the evidence that was introduced. And ladies and gentlemen, don't you already know who committed these crimes? Don't you already know that Camille Clark participated in each of the four robberies we've charged?"

Clark failed to make a timely objection. "Failure to object to an issue at trial will generally preclude appellate review of that issue unless there is plain error."¹ Clark has failed to show any plain error necessitating reversal of the jury's conviction.

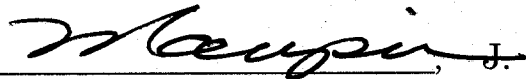
Even assuming it was error for the state to make such an argument, improper comments may constitute harmless error when there is overwhelming evidence of guilt and the remarks did not contribute to the verdict.² Here, there was overwhelming evidence of Clark's guilt consisting of videotape footage, photographs, multiple victim and eye-witness accounts of Clark as a perpetrator and latent fingerprints.

¹Allred v. State, 120 Nev. 410, 418, 92 P.3d 1246, 1252 (2004).

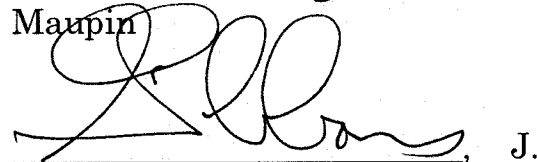
²See Pellegrini v. State, 104 Nev. 625, 628-29, 764 P.2d 484, 486-87 (1988).

"A prosecutor's comments should be viewed in context, and 'a criminal conviction is not to be lightly overturned on the basis of a prosecutor's comments standing alone.'"³ Therefore we,

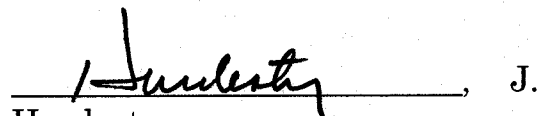
ORDER the judgment of conviction AFFIRMED.⁴

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Stewart L. Bell, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk
Camille Clark

³Knight v. State, 116 Nev. 140, 144-45, 993 P.3d 67, 71 (2000) (quoting United States v. Young, 470 U.S. 1, 11 (1985)).

⁴Because Clark is represented by counsel in this matter, we decline to grant him permission to file documents in proper person in this court. See NRAP 46(b). Accordingly, the clerk of this court shall return to Clark unfiled all proper person documents he has submitted to this court in this matter.