

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW JAMES NEIFELD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46321

FILED

MAY 19 2006

ORDER OF AFFIRMANCE

MANITIC M. CLARK
CLERK OF SUPREME COURT
DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count each of conspiracy to commit robbery and robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge. The district court sentenced appellant Matthew James Neifeld to serve a prison term of 12 to 48 months for the conspiracy count and a concurrent prison term of 36 to 120 months for the robbery count, with an equal and consecutive prison term for the use of a deadly weapon.

Neifeld's sole contention is that reversal of his conviction is warranted because the show up identification was overly suggestive and unreliable. We conclude that Neifeld's contention lacks merit.

As a preliminary matter, we note that Neifeld failed to preserve this issue for our review by filing a pretrial suppression motion or objecting to the admission of the identification evidence at trial. Generally, the failure to object below precludes appellate review absent plain or constitutional error.¹ Even assuming the pretrial identification

¹Sterling v. State, 108 Nev. 391, 394, 834 P.2d 400, 402 (1992).

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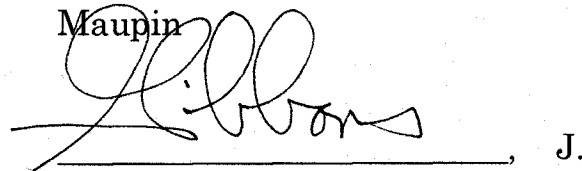
was suggestive and unreliable,² under the facts of this case, we conclude Niefeld has failed to demonstrate plain or constitutional error.³

Having considered Neifeld's contention and concluded that it lacks merit, we

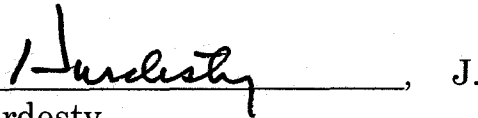
ORDER the judgment of conviction AFFIRMED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Donald M. Mosley, District Judge
Andrew S. Fritz
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

²See Gehrke v. State, 96 Nev. 581, 584, 613 P.2d 1028, 1030 (1980); see also Stovall v. Denno, 388 U.S. 293, 302 (1967).

³See Bridges v. State, 116 Nev. 752, 6 P.3d 1000 (2000); Chapman v. California, 386 U.S. 18 (1967).