

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN MORRISON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47138

FILED

NOV 28 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count each of escape, grand larceny of a motor vehicle, and robbery. Fifth Judicial District Court, Nye County; John P. Davis, Judge.

The district court sentenced appellant John Morrison to serve a prison term of 48 to 120 months for escape, a concurrent term of 22 to 96 months for grand larceny, and a consecutive term of 48 to 120 months for robbery. The district court further ordered Morrison to pay \$11,000 in restitution, jointly and severally with his codefendant.

Morrison contends that the district court's award of restitution was not supported by documentary evidence and was the result of a forced settlement.¹ Morrison failed to preserve this issue for appeal. Failure to raise an objection with the district court generally precludes appellate consideration of an issue.² This court may nevertheless address an assigned error if it was plain and affected the appellant's substantial

¹Morrison cites to Martinez v. State, 115 Nev. 9, 974 P.2d 133 (1999).

²See Rippo v. State, 113 Nev. 1239, 1259, 946 P.2d 1017, 1030 (1997).

rights.³ No error occurred here because the parties stipulated to the amount of restitution and Morrison's claim of a forced settlement is belied by the record on appeal.⁴ Accordingly, we

ORDER the judgment of conviction AFFIRMED.⁵

Becker, J.
Becker

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

³See NRS 178.602 ("Plain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the court."); Gallego v. State, 117 Nev. 348, 365, 23 P.3d 227, 239 (2001).

⁴See Buffington v. State, 110 Nev. 124, 127-28, 868 P.2d 643, 645 (1994) (finding "no error in the district judge's award of restitution based upon counsels' stipulation").

⁵Although this court has elected to file the fast track statement and appendix submitted, it is noted that they do not comply with the arrangement and form requirements of the Nevada Rules of Appellate Procedure. See NRAP 3C(e)(2); NRAP 28(e); NRAP 30(b)(2),(c); NRAP 32(a). Specifically, appellate counsel failed to support his assertions with citations to the transcript or appendix, the type used in the fast track statement exceeds 10 characters per inch, and the appendix does not contain required documents. Counsel is cautioned that failure to comply with the requirements for fast track statements and appendices in future may result in these documents being returned, unfiled, to be correctly prepared. See NRAP 32(c). Failure to comply may also result in the imposition of sanctions by this court. NRAP 3C(n).

cc: Hon. John P. Davis, District Judge
Andrew S. Fritz
Attorney General George Chanos/Carson City
Nye County District Attorney/Tonopah
Nye County Clerk