

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK RANDALL LARSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47775

FILED

NOV 09 2006

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of felony driving under the influence. Second Judicial District Court, Washoe County; Norman C. Robison, Senior Judge. The district court sentenced appellant Mark Randall Larson to serve a prison term of 72-180 months and ordered him to pay a fine of \$2,000.00.


Larson's sole contention is that he was denied his statutory right to allocution at sentencing pursuant to NRS 176.015(2)(b). Larson claims that the district court never offered him an opportunity to make a statement and therefore his case should be remanded to a different district court judge for a new sentencing hearing. We disagree.


NRS 176.015(2)(b) provides that "[b]efore imposing sentence, the court shall . . . [a]ddress the defendant personally and ask him if he wishes to make a statement in his own behalf and to present any information in mitigation of punishment."


In this case, we note that Larson failed to object to any error below.¹ Moreover, Larson fails to explain with any specificity what he might have said to the district court at the sentencing hearing that may have affected his sentence. Therefore, after reviewing the record on appeal, we conclude that although the district court did not comply with NRS 176.015(2)(b), Larson cannot demonstrate that the district court's failure amounted to reversible plain error.²

Accordingly, having considered Larson's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Rose


_____, J.
Gibbons


_____, J.
Maupin

¹See Rippo v. State, 113 Nev. 1239, 1259, 946 P.2d 1017, 1030 (1997) (failure to raise an objection with the district court generally precludes appellate consideration of an issue).

²See NRS 178.602 ("Plain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the court.").

cc: Hon. Janet J. Berry, District Judge
Hon. Norman C. Robison, Senior District Judge
Washoe County Public Defender
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk