

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL ALLEN RICHARDSON,

No. 34652

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

MAY 10 2000

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

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of robbery with the use of a deadly weapon. The district court sentenced appellant to serve two consecutive terms of forty-two (42) to one hundred fifty-six (156) months in the Nevada State Prison.

Appellant contends that the district court erred in admitting his pre-arrest statement to police and in allowing the State to comment on the statement during closing argument. The premise of appellant's argument is that the pre-arrest statement may be characterized as an invocation of appellant's right to remain silent. We disagree.

Initially, we note that aside from appellant's pretrial motion in limine, appellant failed to object to both the police officer's testimony of appellant's statement and the prosecutor's reference to the statement in closing argument. We have held that "[a] ruling on a motion in limine is advisory, not conclusive; after denial of a pretrial motion to exclude evidence, a party must object at the time the evidence is sought to be introduced in order to preserve the objection for appellate review." *Staude v. State*, 112 Nev. 1, 5, 908 P.2d 1373, 1376 (1996). Accordingly, we conclude that appellant has failed to preserve this issue for our review. Further, even if appellant had properly preserved this issue, we conclude that appellant did not invoke his right to remain silent, and therefore, the district court did not err in admitting the pre-arrest statement or permitting the State to

comment on the statement during closing argument.
Accordingly, we

ORDER this appeal dismissed.

Young, J.
Young
Agosti, J.
Agosti
Leavitt, J.
Leavitt

cc: Hon. James W. Hardesty, District Judge
Attorney General
Washoe County District Attorney
Frederick R. Olmstead
Washoe County Clerk