

IN THE SUPREME COURT OF THE STATE OF NEVADA

OMAR LOPEZ-PERDOMO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53780

FILED

MAR 11 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of domestic battery. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

Appellant Omar Lopez-Perdomo argues that his conviction should be reversed because the district court showed a lack of neutrality and impartiality. We review for plain error because Lopez-Perdomo failed to preserve his claim of judicial misconduct for appellate review. See NRS 178.602; Oade v. State, 114 Nev. 619, 621-22, 960 P.2d 336, 338 (1998). We conclude that Lopez-Perdomo has not demonstrated that any of the cited examples of the judge's conduct during trial amounted to misconduct that adversely affected his substantial rights. See NRS 178.602; Green v. State, 119 Nev. 542, 545, 80 P.3d 93, 95 (2003). We further conclude that although the district court's comments to the victim at sentencing may have been more direct than warranted, the record does not suggest that the court's sentencing decision was colored by bias or a lack of impartiality. See Cameron v. State, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998) (concluding that judge's comment at sentencing hearing did not exhibit impermissible bias or prejudice).

Having determined that Lopez-Perdomo is not entitled to relief, we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Steven R. Kosach, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk