

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID RAMON COVARRUBIAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54360

FILED

JAN 07 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 guilty plea, of third-degree arson. Sixth Judicial District Court, Pershing County; Richard Wagner, Judge.

Appellant asks this court to expand its decision in Cripps v. State, 122 Nev. 764, 137 P.3d 1187 (2006), to require a district court to affirmatively state on the record whether it will follow a sentencing recommendation when the defendant will give testimony as a cooperating witness against another individual as part of the plea negotiations. Appellant failed to request such an affirmative statement from the district court, and the plea agreement was not conditioned on the district court imposing a particular sentence. Under the circumstances, we conclude that appellant has not demonstrated plain error, see NRS 178.602; Puckett v. United States, 129 S. Ct. 1423 (2009), and we reject his

invitation to expand our decision in Cripps. Having concluded that appellant's argument lacks merit, we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Richard Wagner, District Judge
Merchant Law Firm, Ltd.
Attorney General/Carson City
Pershing County District Attorney
Pershing County Clerk