

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH W. GREENALCH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55240

FILED

SEP 09 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 attempted sexual assault. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Appellant Joseph Greenalch contends that the district court erred by considering his motion to invalidate the psychosexual evaluation at the sentencing hearing because an alleged error in the report could have affected the court's sentencing determination. Because Greenalch did not object, we review for plain error. Mendoza-Lobos v. State, 125 Nev. ___, ___, 218 P.3d 501, 507 (2009). We conclude that Greenalch has failed to demonstrate that any error affected his substantial rights because the record does not indicate that the district court relied on the alleged error in the psychosexual evaluation when determining Greenalch's sentence.

Greenalch also contends that the district court erred by allowing the victim's father to testify at the sentencing hearing without "allowing or otherwise offering" Greenalch the opportunity to cross-examine him. Greenalch did not object or request the opportunity to cross-examine the witness. Further, the witness did not testify regarding

any of Greenalch's prior bad acts or reference significant facts not previously raised; thus, an opportunity for cross-examination was not required. See Buschauer v. State, 106 Nev. 890, 893-94, 804 P.2d 1046, 1048 (1990). Accordingly, we conclude that this contention is without merit.

Finally, Greenalch alleges that the district court erred at sentencing by considering statements made by the State that the State knew or should have known were false. As Greenalch presents no citation to the record or authority and makes no argument in support of this contention, we decline to address it. See NRAP 3C(e)(1)(C); Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) ("It is appellant's responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court.").

Having concluded that no relief is warranted, we
ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Michelle Leavitt, District Judge
Joseph P. Reiff
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk