

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM STACY LOCKHART,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55657

**FILED**

SEP 09 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY [Signature]  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of one count of possession of stolen firearms and one count of burglary. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

Appellant William Stacy Lockhart contends that the State breached the guilty plea agreement by implicitly seeking consecutive sentences. The record on appeal reveals that the State followed the terms of the guilty plea agreement, argued facts in favor of the recommended sentence, and did not explicitly or implicitly seek a harsher sentence than that provided for in the parties' agreement. See Sullivan v. State, 115 Nev. 383, 389, 990 P.2d 1258, 1261 (1999) (a promise to recommend a sentence does not "restrict the state's right to argue or present facts in favor of the sentence recommendation"). Accordingly, we conclude that Lockhart's contention is without merit and we

ORDER the judgment of conviction AFFIRMED.

[Signature], J.  
Hardesty

[Signature], J.  
Douglas

[Signature], J.  
Pickering

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