

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAMON MARSHALL OWEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56195

FILED

NOV 05 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 conspiracy to engage in an obscene, indecent, or immoral act. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

Appellant Damon Owen contends that the district court abused its discretion by denying his motion to elect treatment pursuant to NRS 458.290-.350 because the denial was the result of the court's failure to follow the proper procedures. Owen did not object on this basis and we conclude that he has failed to demonstrate plain error. See Mendoza-Lobos v. State, 125 Nev. ___, ___, 218 P.3d 501, 507 (2009). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Steven R. Kosach, District Judge
Attorney General/Carson City
Washoe County District Attorney
William B. Cole
Washoe District Court Clerk