

IN THE SUPREME COURT OF THE STATE OF NEVADA

COY RANDELL SNOW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57136

FILED

MAR 17 2011

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

ORDER OF AFFIRMANCE

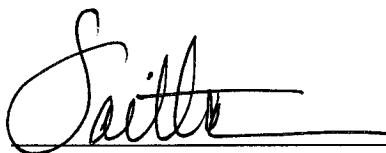
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted possession of a stolen motor vehicle. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.¹

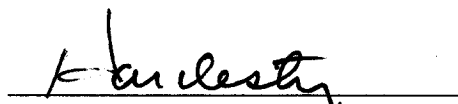
Appellant Coy Randell Snow claims that the prosecutor implicitly breached the plea agreement at sentencing by implying that the recommended sentence was inappropriate in light of Snow's criminal history. Respondent has filed a confession of error, acknowledging that the prosecutor implicitly breached the plea agreement at sentencing. See Kluttz v. Warden, 99 Nev. 681, 684, 669 P.2d 244, 245 (1983). Because Snow did not object below, we review for plain error. See NRS 178.602; Puckett v. United States, 556 U.S. ___, ___, 129 S. Ct. 1423, 1429 (2009). Although the error is clear, because the sentence imposed is within the parameters contemplated by the plea agreement, Snow has failed to meet

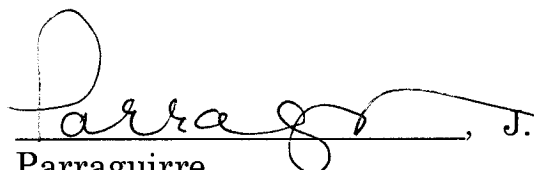
¹The Honorable Janet J. Berry conducted the sentencing hearing in this matter.

his burden and demonstrate plain error affecting his substantial rights.
See Puckett, 556 U.S. at ___, 129 S. Ct. at 1432-33. Therefore, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Hon. Janet J. Berry, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk