

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH PIRL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57833

FILED

JUL 14 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 one count of domestic battery with a deadly weapon causing substantial bodily injury and one count of being an ex-felon in possession of a firearm. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

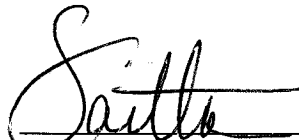
Appellant Keith Pirl contends that he was denied his statutory right to allocution at sentencing pursuant to NRS 176.015(2)(b). Pirl claims that he was denied the opportunity to fully address the court because he was cut off by the district court judge at sentencing and discouraged from making any further statements. We conclude that Pirl's contention lacks merit.

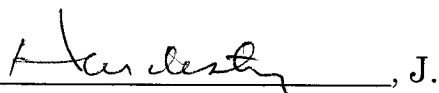
Pirl failed to object below. Failure to raise an objection in the district court generally precludes appellate consideration of an issue absent plain error affecting substantial rights. See Gallego v. State, 117 Nev. 348, 365, 23 P.3d 227, 239 (2001). Pirl has failed to explain with any specificity what he might have said to the district court at the sentencing hearing that may have affected his sentence. Moreover, although the district court cut short Pirl's statement, he was permitted to allocute. Pirl expressed his remorse and apologized to his wife, her family, and church,

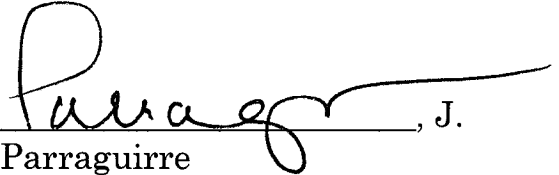
and the district court offered Pirl the opportunity to speak after interrupting his statement. Further, it was only when he began to discuss his ministry and the possibility of his mother staying with the shooting victim that he was cut off by the district court judge and instructed not to wander into immaterial issues. Because these statements were unrelated to mitigation, they are not statutorily guaranteed by NRS 176.015(2)(b). Accordingly, Pirl has not demonstrated that the lower court committed plain error affecting his substantial rights.

Having considered Pirl's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.


Saitta, J.
Saitta


Hardesty, J.
Hardesty


Parraguirre, J.
Parraguirre

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