

IN THE SUPREME COURT OF THE STATE OF NEVADA

MIGUEL JIMENEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59482

FILED

MAY 10 2012

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Lindeman*
DEPUTY CLERK

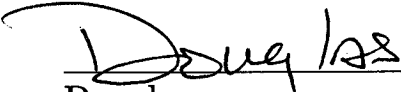
ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction entered pursuant to a guilty plea of possession of documents or personal identifying information to establish a false status or identity. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

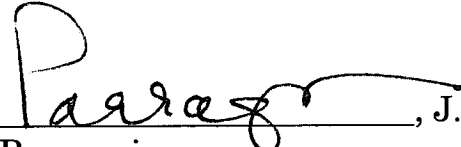
Appellant Miguel Jimenez contends that the State breached the plea agreement when it argued for a term of imprisonment at sentencing because it had agreed not to oppose probation. "When the State enters into a plea agreement, it is held to the most meticulous standards of both promise and performance with respect to both the terms and the spirit of the plea bargain." Sparks v. State, 121 Nev. 107, 110, 110 P.3d 486, 487 (2005) (internal quotation marks omitted). Here, the written plea agreement provided that the State was free to argue for an appropriate sentence if Jimenez failed to appear at a scheduled proceeding or, if prior to the date of his sentencing, he was arrested in any jurisdiction for a violation of the law. Jimenez failed to appear at his sentencing hearing and was arrested for an immigration violation before the date of his sentencing. Consequently, Jimenez breached the plea agreement and

the State was free to argue for a term of imprisonment. Having concluded that Jimenez's contention is without merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

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