

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN LEE CORBIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61107

FILED

JAN 16 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Malone*
DEPUTY CLERK


ORDER OF AFFIRMANCE

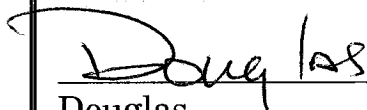
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of possession of a stolen motor vehicle. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.


Appellant claims that the State breached the plea agreement at sentencing by not speaking to concurrent time and making an argument that did not support the recommended sentence. We hold the State "to the most meticulous standards of both promise and performance" when determining whether the State has fulfilled its part of a plea bargain. Kluttz v. Warden, 99 Nev. 681, 683, 669 P.2d 244, 245 (1983). Pursuant to the plea agreement, the State agreed to recommend a prison term of 12-36 months and not to object to concurrent time with appellant's sentences in other cases. The State repeatedly requested that the district court follow the recommended sentence and did not object to concurrent time. Although the State pointed out a discrepancy between appellant's statement in the presentence investigation report and the summary in the police report and did not recommend that the sentence be imposed concurrent to appellant's other sentences, the State did not breach the plea agreement because it preserved the right to argue in favor of the

recommended sentence, its argument did “not explicitly or implicitly undercut the sentencing recommendation,” Sullivan v. State, 115 Nev. 383, 389, 990 P.2d 1258, 1262 (1999), and the State was not required to affirmatively recommend the imposition of a concurrent sentence. Therefore, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Connie J. Steinheimer, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk