


IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT ADAM MCGUFFEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62682

FILED

SEP 18 2013

TRACIE K. LINDEMAN
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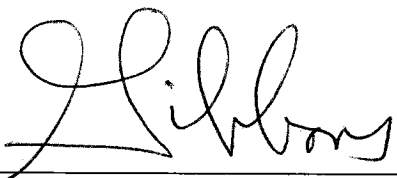
ORDER OF AFFIRMANCE

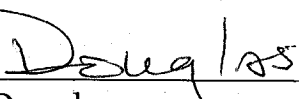
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary, intimidating a witness, and intimidating a public officer. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

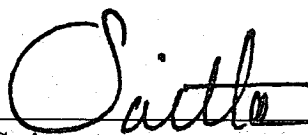
Appellant Robert Adam McGuffey claims that the State breached the plea agreement at sentencing by playing recordings of two jail telephone calls. We disagree. Pursuant to the plea agreement, the State was free to argue for an appropriate sentence, but would not object to the imposition of concurrent sentences and would not seek the imposition of consecutive sentences. At sentencing, the State played the recordings to support its sentencing recommendation, which was above the sentence recommended by the Division of Parole and Probation, and recommended that the court impose the sentences to run concurrently. We reject McGuffey's assertion that the State implicitly undercut the sentencing recommendation by playing the recordings and conclude that the State fulfilled its part of the plea agreement. *See Sullivan v. State*, 115 Nev. 383, 387, 389, 990 P.2d 1258, 1260, 1262 (1999) (The state is held "to the most meticulous standards of both promise and performance in

fulfillment of its part of a plea bargain” and may not “implicitly undercut the sentencing recommendation by attempting to persuade the sentencing court to impose a harsher sentence than that which it agreed to recommend.” (internal quotation marks omitted)). Therefore, we

ORDER the judgment of conviction AFFIRMED.¹


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Brent T. Adams, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹The fast track statement does not comply with the provisions of NRAP 3C(h)(1) and NRAP 32(a)(4)-(5) because the text of the brief is not double-spaced and the footnotes are not in the same size as the text in the body of the brief. We caution appellant’s counsel that future failure to comply with formatting requirements when filing briefs in this court may result in the imposition of sanctions. *See* NRAP 3C(n).