

IN THE SUPREME COURT OF THE STATE OF NEVADA

GUSTAVIOUS TREADWELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63000

FILED

OCT 16 2013

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to an *Alford* plea, of battery with a deadly weapon resulting in substantial bodily harm. *North Carolina v. Alford*, 400 U.S. 25 (1970). Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.

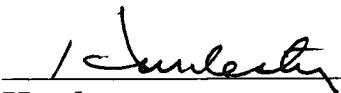
Appellant Gustavious Treadwell contends that the State violated the terms and spirit of the plea agreement, wherein the State agreed to make no recommendation at sentencing, by offering argument at sentencing.¹ "When the State enters into a plea agreement, it is held to the most meticulous standards of both promise and performance with respect to both the terms and spirit of the plea bargain." *Sparks v. State*, 121 Nev. 107, 110, 110 P.3d 486, 487 (2005) (internal quotation marks omitted).

Here, the State corrected defense counsel's representation of the facts but remained silent during the remainder of the sentencing hearing. Treadwell did not object to the State's correction on the grounds

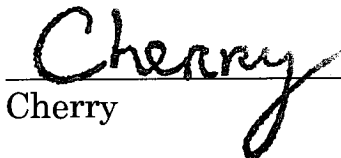
¹No copy of the guilty plea agreement is included in the parties' appendices. Nevertheless, the parties agree, and the record indicates, that the State agreed to make no recommendation at sentencing.

that it constituted a breach of the plea agreement, and we conclude that he fails to demonstrate plain error. *See Puckett v. United States*, 556 U.S. 129, 134-35 (2009); *Mendoza-Lobos v. State*, 125 Nev. 634, 644, 218 P.3d 501, 507 (2009); *Sullivan v. State*, 115 Nev. 383, 388 n.4, 390 n.7, 990 P.2d 1258, 1261 n.4, 1262 n.7 (1999). Accordingly, we

ORDER the judgment of conviction AFFIRMED.²


Hardesty, J.


Parraguirre, J.


Cherry, J.

cc: Hon. Valorie J. Vega, District Judge
Jonathan L. Powell
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²Although we filed the submitted fast track statement, fast track appendix, and fast track response, they do not comply with the Nevada Rules of Appellate Procedure. The fast track statement does not contain margins of at least 1 inch on all four sides, *see* NRAP 3C(h)(1); NRAP 32(a)(4), the fast track appendix does not contain all required documents, *see* NRAP 3C(e)(2)(C); NRAP 30(b)(2)-(3), and the fast track response is not double-spaced, *see* NRAP 3C(h)(1); NRAP 32(a)(4). We caution the parties that future failure to comply with all applicable rules may result in the imposition of sanctions. *See* NRAP 3C(n).