

IN THE SUPREME COURT OF THE STATE OF NEVADA

CRAIG BRIAN JOHNSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63057

FILED

OCT 16 2013

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

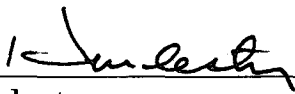
ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of battery causing substantial bodily harm. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

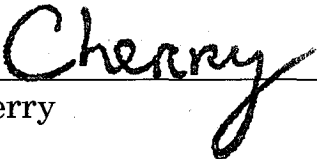
Appellant Craig Brian Johnson contends that his Sixth Amendment right to confrontation was violated when the victim failed to appear at his sentencing hearing. *See* U.S. Const. amend. VI. Counsel for Johnson points out that she cross-examined the victim at the preliminary hearing and acknowledges that his appellate request for relief “is not appropriate.” The Confrontation Clause does not apply to sentencing hearings, therefore, we conclude that Johnson’s contention lacks merit. *See Summers v. State*, 122 Nev. 1326, 1332-33, 148 P.3d 778, 782-83 (2006). Additionally, we remind counsel that “[a]ttorneys must argue for their clients without conceding an appeal is without merit.” *Ramos v. State*, 113 Nev. 1081, 1084, 944 P.2d 856, 858 (1997). “[C]ounsel should file a brief that includes all arguable issues and argues defendant’s appeal as well as possible.” *Id.* at 1084, 944 P.2d at 857. If an appellant insists on arguing a meritless point, “counsel’s accurate summary of the facts and

law will make that obvious.” *State v. Cigic*, 639 A.2d 251, 254 (N.H. 1994).
Having concluded that Johnson is not entitled to relief, we

ORDER the judgment of conviction AFFIRMED.¹


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Janet J. Berry, District Judge
Suzanne M. Lugaski
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹The fast track statement does not comply with NRAP 3C(h)(1) and NRAP 32(a)(4) because the text is not double-spaced. Counsel for Johnson is cautioned that the failure to comply with the briefing requirements in the future may result in the imposition of sanctions. See NRAP 3C(n).