

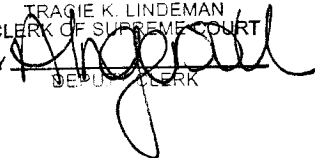
IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN JAMES FAVERO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63398

FILED

NOV 14 2013

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
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ORDER OF AFFIRMANCE

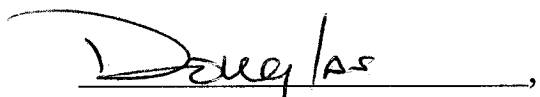
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of unlawful use or being under the influence of a controlled substance. Third Judicial District Court, Lyon County; William Rogers, Judge.

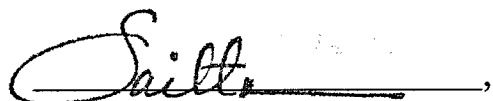
Appellant Kevin James Favero contends that the district court violated his right to due process by not addressing him pursuant to NRS 176.015(2)(b)(1) prior to the imposition of the sentence. Initially, we note that Favero did not object below. *See Rippo v. State*, 113 Nev. 1239, 1259, 946 P.2d 1017, 1030 (1997) (failure to object in the district court generally precludes appellate consideration of an issue). Further, on appeal, Favero fails to allege, let alone demonstrate, that his substantial rights were affected in any way by the district court's error. *See NRS 178.602* ("Plain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the court."). Therefore, we conclude that Favero fails to demonstrate that he is entitled relief, *see Mendoza-*

Lobos v. State, 125 Nev. 634, 644, 218 P.3d 501, 507 (2009) (applying plain-error analysis to a sentencing error), and we

ORDER the judgment of conviction AFFIRMED.¹


Gibbons, J.


Douglas, J.


Saitta, J.

cc: Hon. William Rogers, District Judge
Kenneth V. Ward
Attorney General/Carson City
Lyon County District Attorney
Third District Court Clerk

¹The fast track statement and response fail to comply with NRAP 3C(h)(1) and NRAP 32(a)(4) because they do not contain 1-inch margins on all four sides and the text in the body of the briefs is not double-spaced. Further, the fast track statement uses a typeface smaller than that allowed by NRAP 32(a)(5)(A). Counsel for the parties are cautioned that the failure to comply with the briefing requirements in the future may result in the imposition of sanctions. See NRAP 3C(n).