

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRUCE MCDANIEL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 35998

**FILED**

SEP 13 2000

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Schade*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of resisting a public officer. The district court sentenced appellant to serve 12 to 48 months in prison.

Appellant's sole contention is that the district court committed prejudicial error in denying the victim of charges that were dismissed pursuant to the plea agreement the right to address the court pursuant to NRS 176.015. We disagree.

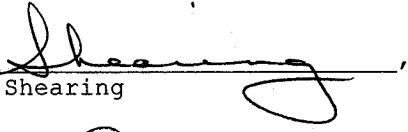
NRS 176.015(3) grants certain victims the right to appear and express their views concerning the crime, the person responsible, and the impact on the victim. NRS 176.015(5)(b) defines "victim" as, inter alia, "[a] person . . . against whom a crime has been committed." The victim of dismissed charges technically is not a victim under the definition set forth in NRS 176.015(5)(b). We therefore conclude that the district court did not err in determining that the victim of the dismissed charges did not have a right to express her views pursuant to NRS 176.015(3).

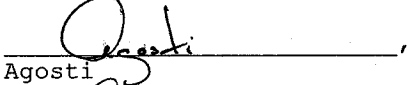
Moreover, appellant has no right to have a victim make an impact statement. The right created in NRS 176.015(3) is afforded to the victim, not the defendant. Furthermore,

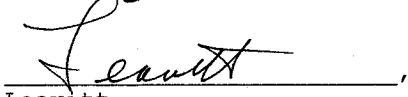
NRS 176.015(4) provides that a victim's failure to appear is "not grounds for an appeal." Accordingly, appellant is not entitled to assert the rights of the victim.

Having considered appellant's contention and concluded that it lacks merit, we affirm the judgment of conviction.

It is so ORDERED.

  
\_\_\_\_\_  
Shearing J.

  
\_\_\_\_\_  
Agosti J.

  
\_\_\_\_\_  
Leavitt J.

cc: Hon. Donald M. Mosley, District Judge  
Attorney General  
Clark County District Attorney  
Clark County Public Defender  
Clark County Clerk