

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DONNA ANN CRAIG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66335

FILED

FEB 04 2015

TRAVIS K. LINDEMAN
CLERK OF THE COURT
BY: *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count of attempted failure to comply with duty to stop at scene of accident involving death or personal injury. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.


Appellant argues that the district court relied on highly suspect and unsupported evidence at sentencing when it sentenced appellant to a prison term of 16 to 40 months. Specifically, she claims that the district court relied on the State's improper argument regarding the victim where the victim did not testify at sentencing or provide a written statement to the district court.

Appellant failed to object to this argument at sentencing, and therefore, this court reviews for plain error. *See Grey v. State*, 124 Nev. 110, 123, 178 P.3d 154, 163 (2008) (observing that unpreserved errors at sentencing are reviewed for plain error). Appellant fails to demonstrate plain error because she fails to demonstrate that her substantial rights were affected. *Id.*

The district court stated at the hearing that it was sentencing appellant to a prison term based on her lengthy criminal history and

because of the seriousness of the injury to the victim. The victim suffered a fractured spine in the accident. The district court's determination that the victim suffered a serious injury was not based on impalpable or highly suspect evidence, and appellant's sentence was within the statutory range. *See Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976); *see also* NRS 193.330(1)(a)(2); NRS 484E.010(3). Therefore, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Patrick Flanagan, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk