

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN JEFFREY MCNAB A/K/A JOHN  
JEFFREY MCNABB,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 66608

**FILED**

**MAR 17 2015**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of low-level trafficking in a schedule I controlled substance and possession of a controlled substance. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.


Appellant claims that the State breached the spirit of the plea agreement by implicitly seeking a greater sentence than the sentence it agreed to recommend in the written plea agreement. "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 the spirit of the plea bargain." *Sparks v. State*, 121 Nev. 107, 110, 110 P.3d 486, 487 (2005) (internal quotation marks omitted).


Appellant did not object to the State's comments and the alleged error does not appear plainly on the record. *See Sullivan v. State*, 115 Nev. 383, 387 n.3, 990 P.2d 1258, 1260 n.3 (1999) (observing that unpreserved breach-of-plea allegations may be reviewed for plain error); *Saletta v. State*, 127 Nev. \_\_\_, \_\_\_, 254 P.3d 111, 114 (2011) (describing

plain error review). Accordingly, we conclude that appellant has not demonstrated plain error, and we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Robert W. Lane, District Judge  
The Law Firm of Nathan L. Gent, PLLC  
Attorney General/Carson City  
Nye County District Attorney  
Nye County Clerk