

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JASON MARKETH JEFFERSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66989

FILED

AUG 05 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of battery constituting domestic violence. Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

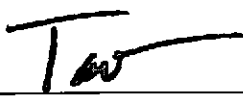
Appellant Jason Marketh Jefferson argues the district court committed plain error by considering a presentence investigation report (PSI) created for a recent separate case and not ordering a PSI to be prepared for this case. Jefferson did not request a new PSI and thus, we review for plain error. *See Valdez v. State*, 124 Nev. 1172, 1190, 196 P.3d 465, 477 (2008) (reviewing unreserved claims for plain error). The PSI the district court relied upon in this case was created less than five years before Jefferson's sentencing date, and therefore the district court properly concluded a new PSI was not necessary. *See* NRS 176.135(3)(b). Moreover, at the sentencing hearing, Jefferson acknowledged that there were no errors contained in the PSI and Jefferson received the sentence he stipulated to in the plea agreement. Therefore, Jefferson fails to demonstrate plain error affecting his substantial rights. *See Valdez*, 124 Nev. at 1190, 196 P.3d at 477 (stating plain error affecting a defendant's

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substantial rights is error causing "actual prejudice or a miscarriage of justice." (internal quotation marks omitted)). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Jennifer P. Togliatti, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk