

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DENISE MICHELLE VEJMOLA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69529

FILED

APR 20 2016

TRACIE K. INDEMAN
CLERK OF SUPREME COURT
[Signature]
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of two counts of burglary and one count of possession of forged instruments. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

Appellant Denise Vejmola claims the State breached the plea agreement at sentencing because it argued for maximum terms between all of the counts. When the State enters into a plea agreement, it "is held to 'the most meticulous standards of both promise and performance'" in fulfillment of both the terms and the spirit of the plea bargain. *Van Buskirk v. State*, 102 Nev. 241, 243, 720 P.2d 1215, 1216 (1986) (quoting *Kluttz v. Warden*, 99 Nev. 681, 683-84, 669 P.2d 244, 245 (1983)).

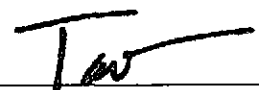
To the extent this claim was preserved for review, this claim lacks merit. Pursuant to the plea agreement, the State agreed to recommend counts 1 and 2 be run concurrent. The State retained the right to argue whether count 3 should be served concurrently or consecutively to counts 1 and 2. The record clearly demonstrates the State did not ask the district court to run all of the counts consecutively. Although the State stated the victim's request that the counts be run

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consecutively, this was merely used to support their argument for count 3 to run consecutively and they were permitted to make this argument under the guilty plea agreement. Therefore, we conclude the State did not, either explicitly or implicitly, breach the terms or the spirit of the plea agreement, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

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