


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARY COLLEEN ORTEGA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70398

**FILED**

NOV 18 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of theft. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

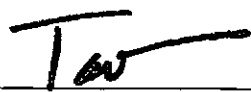
Appellant Mary Ortega claims the district court erred at sentencing by questioning her during her allocution. Ortega claims the district court's questioning took away her right to allocution and her right not to incriminate herself. Ortega failed to object to the district court's questioning; therefore, she is not entitled to relief absent a demonstration of plain error. *See Valdez v. State*, 124 Nev. 1172, 1190, 196 P.3d 465, 477 (2008) (“[A]n error that is plain from a review of the record does not require reversal unless the defendant demonstrates that the error affected his or her substantial rights, by causing actual prejudice or a miscarriage of justice.” (internal quotation marks omitted)).


Ortega fails to demonstrate any error, plain or otherwise. Ortega specifically waived her Fifth Amendment privilege against self-incrimination in her guilty plea agreement and she was provided the right to allocution at the sentencing hearing. The district court did not err by questioning Ortega when she began to minimize her involvement and her

guilt. See *Echevarria v. State*, 108 Nev. 734, 744, 839 P.2d 589, 596 (1992) (the defendant has no right to introduce unsworn, self-serving statements of innocence at allocution because her guilt has already been determined). Therefore, we conclude Ortega fails to demonstrate she is entitled to relief, and we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Jim C. Shirley, District Judge  
Pershing County Public Defender  
Attorney General/Carson City  
Pershing County District Attorney  
Pershing County Clerk