## IN THE SUPREME COURT OF THE STATE OF NEVADA

MOUNIR ABDALLA KUBLAWI, Appellant, vs. THE STATE OF NEVADA, Respondent. No. 75798

FILED

OCT 1 1 2018

CLERK OF SUPREME COURT

## ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of uttering a forged instrument. Second Judicial District Court, Washoe County; Egan K. Walker, Judge. The district court sentenced appellant Mounir Abdalla Kublawi to a term of 19 to 48 months imprisonment.

Kublawi's sole contention on appeal is that the prosecutor violated the spirit of the plea agreement during sentencing by explaining the circumstances of the agreement not to oppose probation and asking the district court to read between the lines. We disagree. The prosecutor informed the court that the State did not oppose probation. In referencing an unrelated case presented to the court earlier, the prosecutor explained the reasons for not opposing probation in this case, including Kublawi's age. The prosecutor further indicated that the recommendation "was the best course of action based on [a comprehensive] investigation." The prosecutor's statement about reading between the lines did not clearly violate the terms or spirit of the plea agreement. Tellingly, Kublawi did not object to the prosecutor's statements and instead vigorously argued for probation. Under these circumstances, we conclude that Kublawi has not demonstrated plain error requiring reversal of the judgment of conviction.

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See NRS 178.602 (recognizing that "[p]lain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the court"); Anderson v. State, 121 Nev. 511, 516, 118 P.3d 184, 187 (2005) ("In conducting plain error review, we must examine whether there was error, whether the error was plain or clear, and whether the error affected the defendant's substantial rights" (quoting Green v. State, 119 Nev. 542, 545, 80 P.3d 93, 95 (2003))); Sullivan v. State, 115 Nev. 383, 388 n.3, 990 P.2d 1258, 1261 n.3 (1999) (noting that plain-error review applies when defendant does not object to alleged breach of plea agreement and explaining that "[a]lthough a defendant's failure to object does not necessarily preclude appellate review of an alleged breach of a plea agreement . . . such a failure may be considered as evidence of the defendant's understanding of the terms of a plea agreement"); see also Puckett v. United States, 556 U.S. 129, 143 (2009) (holding that plain-error review applies when defendant does not object to alleged breach of plea agreement). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Pickering

Gibbons

Hardesty

cc: Hon. Egan K. Walker, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk