

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JESSIE MATTHEW DIAZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70543

FILED

APR 19 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE


Appellant Jessie Matthew Diaz appeals from a judgment of conviction entered pursuant to a guilty of three counts of burglary; his appeal is brought under NRAP 4(c). Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

Diaz was sentenced to a prison term of 38 to 96 months for each of his three burglary convictions, and his prison terms were imposed to run consecutively. Diaz claims the law should be changed to require judges to articulate their reasons for imposing a maximum potential sentence so that their sentencing decisions may be subject to meaningful appellate review. Diaz did not object below or ask the district court to explain its sentencing decision, and he has not demonstrated the district court's failure to explain its sentencing decision constituted plain error. *See* NRS 178.602; *Mendoza-Lobos v. State*, 125 Nev. 634, 644, 218 P.3d 501, 507 (2009). Moreover, the Nevada Supreme Court has expressly rejected a claim that district courts should be required to state their reasons for imposing a sentence on the record, *Campbell v. Eighth Judicial Dist. Court*, 114 Nev. 410, 414, 957 P.2d 1141, 1143 (1998), and

Nevada Supreme Court precedent is binding on this court. Accordingly,
we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Patrick Flanagan, District Judge
Troy Curtis Jordan
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk