

IN THE SUPREME COURT OF THE STATE OF NEVADA

TENNILLE RAE WHITAKER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77294

FILED

NOV 21 2019

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a nolo contendere plea, of four counts of sexual conduct between a school employee and a pupil under NRS 201.540. Fourth Judicial District Court, Elko County; Nancy L. Porter, Judge.

Having reviewed the parties' arguments and the record, we conclude appellant Tennille Whitaker did not properly preserve the issues raised on appeal—with the exception of her claim regarding her psychosexual report—and thus, we will not address them. *Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (holding that “[a] point not urged in the trial court, unless it goes to the jurisdiction of that court, is deemed to have been waived and will not be considered on appeal.”).


Addressing the psychosexual report, we conclude that the district court considered the psychosexual report, and therefore, it did not violate NRS 176.139. Further, the district court did not abuse its discretion by giving less weight to the psychosexual evaluation during sentencing, and therefore, no relief is warranted. *See Parrish v. State*, 116 Nev. 982, 988-

89, 12 P.3d 953, 957 (2000) (recognizing the district court is afforded wide discretion in sentencing).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Cadish

cc: Hon. Nancy L. Porter, District Judge
Byron A. Bergeron
Karla K. Butko
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk