

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARCUS STEVEN HARRELSON,
A/K/A MARCUS STEVE HARRELSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78727-COA

FILED

MAR 19 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Marcus Steven Harrelson appeals from a judgment of conviction entered pursuant to an *Alford*¹ plea of coercion. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Harrelson argues he is entitled to a new sentencing hearing because the State committed prosecutorial misconduct when it called him and the mother of his child drug-addicted losers. We analyze claims of prosecutorial misconduct in two steps: first, we determine whether the prosecutor's conduct was improper, and second, if the conduct was improper, we determine whether it warrants reversal. *Valdez v. State*, 124 Nev. 1172, 1188, 196 P.3d 465, 476 (2008).


The record reveals the State improperly used contemptuous and pejorative language to disparage Harrelson. *See Earl v. State*, 111 Nev. 1304, 1311, 904 P.2d 1029, 1033 (1995) (holding that a prosecutor has a "duty not to inject his personal beliefs into argument and . . . not to ridicule or belittle the defendant or the case"). However, Harrelson immediately

¹*North Carolina v. Alford*, 400 U.S. 25 (1970).

objected and the district court indicated its disapproval of the challenged statement. When the district court imposed sentence, it made no reference to the challenged statement. Rather, the district court only referred to the facts of the offense and the impact it had on the elderly victim. Harrelson did not suffer prejudice due to the State's improper comment. Therefore, we conclude he is not entitled to relief. *See Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976) (holding we will not interfere with the sentence imposed by the district court "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence"). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Tierra Danielle Jones, District Judge
Anthony M. Goldstein
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk