

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY LYNN YEATS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 37395

FILED

JUN 12 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of burglary. The district court adjudicated appellant as a habitual criminal and sentenced appellant to serve 10 to 25 years in prison.

Appellant contends that the district court erred in refusing to instruct the jury on petit larceny as a lesser related offense of burglary. We disagree. This court recently held, in Peck v. State,¹ that the district courts are not required to give instructions on lesser related offenses. We decline appellant's invitation to reconsider Peck.²

¹116 Nev. ___, 7 P.3d 470 (2000).

²To the extent that appellant sought an instruction on petit larceny as a lesser included offense of burglary, we also conclude that the district court did not err. In Puglisi v. State, 102 Nev. 491, 492, 728 P.2d 435, 436 (1986), this court held that petit larceny is not a lesser included offense of burglary.

Having considered appellant's contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.³

Young J.
Young

Leavitt J.
Leavitt

Becker J.
Becker

cc: Hon. Janet J. Berry, District Judge
Attorney General
Washoe County District Attorney
Washoe County Public Defender
Washoe County Clerk

³We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.