

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL SHAWN HARRISON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 39412

**FILED**

OCT 08 2002

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of assault with a deadly weapon. The district court sentenced appellant to a prison term of 18 to 48 months.

Appellant contends that the State breached the plea agreement at sentencing. In the plea agreement, the State agreed to stipulate to probation. The plea agreement also provided, however, that the State was free to argue for an appropriate sentence if appellant was arrested for a violation of law prior to sentencing.

It is well-established that "[w]hen the [s]tate enters a plea agreement, it 'is held to 'the most meticulous standards of both promise and performance'" and that "[t]he violation of the terms or 'the spirit' of the plea bargain requires reversal."<sup>1</sup> In the instant case, however, the State explicitly reserved the right to argue for an appropriate sentence if appellant was arrested. At sentencing, counsel for appellant conceded that appellant had been arrested after the entry of his plea and prior to sentencing. According to the terms of the plea agreement, the State was

---

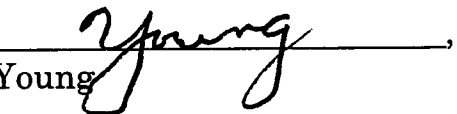
<sup>1</sup>Citti v. State, 107 Nev. 89, 91, 807 P.2d 724, 726 (1991) (quoting Van Buskirk v. State, 102 Nev. 241, 243, 720 P.2d 1215, 1216 (1986) (citation omitted)).

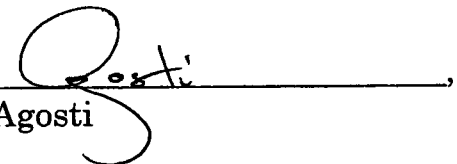
relieved of its obligation to stipulate to probation. We therefore conclude that there was no breach of the plea agreement.

Having considered appellant's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

 \_\_\_\_\_, J.  
Rose

 \_\_\_\_\_, J.  
Young

 \_\_\_\_\_, J.  
Agosti

cc: Hon. Brent T. Adams, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk