

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT ERIC LECOQUE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46850

FILED

JUN 08 2007

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

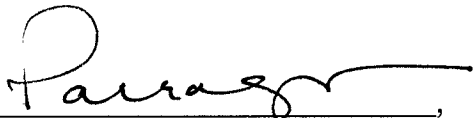
This is an appeal from a judgment of conviction and sentence.
Third Judicial District Court, Lyon County; Archie E. Blake, Judge.

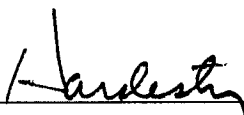
On February 8, 2006, the district court convicted appellant Scott Eric LeCoque, pursuant to a jury verdict, of first-degree murder with the use of a deadly weapon, victim over age 60. The district court sentenced appellant to serve two consecutive terms of life in prison without the possibility of parole.


LeCoque's sole claim on appeal is that the district court erred in refusing to give a guilt phase jury instruction regarding mitigation of first-degree murder based on extreme emotional disturbance pursuant to NRS 200.035(2). The State argued the instruction was not appropriate at the guilt phase, as it pertained only to the penalty phase following a first-degree murder guilty finding. We agree and conclude the district court did not err in refusing the instruction.

Having reviewed LeCoque's argument and concluded he is not entitled to relief, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Parraguirre


_____, J.
Hardesty


_____, J.
Saitta

cc: Third Judicial District Court Dept. 2, District Judge
Law Office of Kenneth V. Ward
Attorney General Catherine Cortez Masto/Carson City
Lyon County District Attorney
Lyon County Clerk