

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIAM LUIS BAKER, II,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68375

FILED

DEC 17 2015

TRACI K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to an *Alford*¹ plea, of attempted sexual assault and unlawful contact with a child. First Judicial District Court, Carson City; James Todd Russell, Judge.

The district court sentenced appellant William Luis Baker, II, to serve a term of 96 to 240 months for the attempted sexual assault conviction and 364 days for the unlawful contact with a child conviction. The court also ordered Baker to pay extradition costs of \$2,342.70, a fee for the psychosexual examination in the amount of \$1,077.50, a \$3 genetic marker fee, a \$25 administrative assessment, and a biological specimen analysis fee of \$150.

On appeal, Baker challenges the imposition of the extradition costs. Baker argues the district court abused its discretion at sentencing by ordering him to pay the extradition costs because the district court did not consider his ability to pay those costs as required by NRS 179.225(2). Baker did not object to the imposition of the extradition costs on the basis

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

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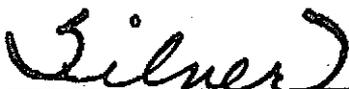
of his ability to pay, and thus, we review this claim for plain error. See *Dieudonne v. State*, 127 Nev. 1, 4, 245 P.3d 1202, 1204-05 (2011). "In conducting plain error review, we must examine whether there was error, whether the error was plain or clear, and whether the error affected the defendant's substantial rights." *Green v. State*, 119 Nev. 542, 545, 80 P.3d 93, 95 (2003) (internal quotation marks omitted). Under plain error review, the defendant has the burden to demonstrate the error affected his substantial rights by causing "actual prejudice or a miscarriage of justice." *Id.*

After review of the record before this court, we conclude Baker fails to demonstrate error affecting his substantial rights. The record before this court contains little information regarding Baker's financial status and Baker has not demonstrated he is unable pay the obligations discussed in NRS 179.225(2).² Baker fails to meet his burden to show he suffers from actual prejudice or a miscarriage of justice. See *id.* Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

²We note the presentence investigation report indicates Baker receives a monthly pension in the amount of \$200.

cc: Hon. James Todd Russell, District Judge
State Public Defender/Carson City
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk