

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARK C. DONALDSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66934

FILED

JAN 21 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal, filed pursuant to NRAP 4(c), from a judgment of conviction entered pursuant to a guilty plea of murder and two counts of child abuse and neglect with substantial mental harm. Eighth Judicial District Court, Clark County; David Wall, Judge; Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

First, appellant Mark Donaldson claims there is insufficient objective medical evidence to convict him of child abuse and neglect with substantial mental harm. This claim lacks merit. By pleading guilty, Donaldson admitted the allegations against him and relieved the State of its burden of proving the elements of the crime against him.

Second, Donaldson claims his conviction for child abuse and neglect with substantial mental harm should be overturned because NRS 200.508 is unconstitutionally vague. Donaldson asserts “[t]he phrase [in NRS 200.508(1)] ‘in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect’ fails to provide sufficient notice regarding the types of situations proscribed and lacks any specific standards governing the nature of the proscribed ‘suffering’ in circumstances involving ‘*mental injury*’ as opposed to ‘*physical pain*.’” The

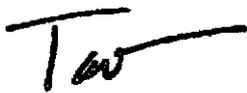
Nevada Supreme Court recently rejected a vagueness challenge to NRS 200.508 and, in reviewing the same language challenged by Donaldson, held NRS 200.508 “adequately defines its terms so that a person of ordinary intelligence would have notice of the prohibited conduct.” *Rimer v. State*, 131 Nev. ___, ___, 351 P.3d 697, 711 (2015). Consequently, we conclude his claim lacks merit.

Third, Donaldson claims the district court erred by denying his motion to compel an independent psychological examination of the victims, motion to sever counts, and motion to dismiss child abuse and neglect with substantial mental harm charges. Donaldson did not expressly preserve these issues when he pleaded guilty and, thus, waived his right to raise these issues on appeal. See NRS 174.035(3); *Webb v. State*, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975) (the entry of a guilty plea generally waives any right to appeal from events occurring prior to the entry of the plea). We therefore decline to consider these claims on appeal.

Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Jessie Elizabeth Walsh, District Judge
Hon. David Wall, District Judge
The Law Office of Daniel M. Bunin
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk