

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RONALD EUGENE ALLEN, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75329-COA

FILED

APR 16 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Ronald Eugene Allen, Jr. appeals from a judgment of conviction, entered pursuant to a jury verdict, of battery of a protected person causing substantial bodily harm. Eighth Judicial District Court, Clark County; Mark B. Bailus, Judge.


Allen argues the State committed prosecutorial misconduct during closing rebuttal argument by disparaging defense counsel and his theory of defense. Specifically, he claims the State erred by arguing, "folks, defense counsel comes up here and tells you what, when you have an overwhelming amount of evidence in this case and the defendant is absolutely boxed into a corner, that is what happens. Defense counsel does this, blames everyone other than the defendant. Right?"


Because Allen did not object to this statement at trial, he is not entitled to relief absent a demonstration of plain error. *See Valdez v. State*, 124 Nev. 1172, 1190, 196 P.3d 465, 477 (2008). Even assuming, without deciding, the prosecutor's comments were improper, Allen failed to

demonstrate any error affected his substantial rights. *See id.* Accordingly,
we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk