

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL ALEXANDER KORTE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70477

**FILED**

FEB 22 2017

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

*ORDER OF AFFIRMANCE*

Appellant Michael Alexander Korte appeals from a judgment of conviction entered pursuant to a guilty plea of burglary and possession of a controlled substance. Third Judicial District Court, Lyon County; Leon Aberasturi, Judge.


Korte claims the district court abused its discretion at sentencing by ordering restitution in the amount of \$136,266.41, and ordering its payment to be joint and several with only one of his four codefendants. Korte argues the presentence investigation report (PSI) clearly demonstrates the parties involved were only in the building for a short period of time, the damage claimed by the State is inconsistent with the facts, and there were at least five codefendants.


Korte did not provide the PSI for our review, *see Thomas v. State*, 120 Nev. 37, 43 n.4, 83 P.3d 818, 822 n.4 (2004) ("Appellant has the ultimate responsibility to provide this court with 'portions of the record essential to determination of issues raised in appellant's appeal.'" (quoting NRAP 30(b)(3))), and he did not object to the restitution amount or its joint and several liability in the court below, *see Mendoza-Lobos v. State*,


125 Nev. 634, 644, 218 P.3d 501, 507 (2009) (reviewing unpreserved allegations the district court erred at sentencing for plain error).

The alleged error does not appear plainly in the record provided for our review; therefore, we conclude Korte has not demonstrated plain error affecting his substantial rights. *See Saletta v. State*, 127 Nev. 416, 421, 254 P.3d 111, 114 (2011) (describing plain error review). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
Silver, C.J.

  
Tao, J.

  
Gibbons, J.

cc: Hon. Leon Aberasturi, District Judge  
The Law Office of Jacob N. Sommer  
Attorney General/Carson City  
Lyon County District Attorney  
Third District Court Clerk