

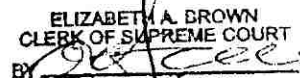
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANGELO DWAIN JOHNSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86124-COA

FILED

DEC 28 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Angelo Dwaine Johnson appeals from a judgment of conviction, entered pursuant to a guilty plea, of ownership or possession of firearm by prohibited person. Eighth Judicial District Court, Clark County; Bitu Yeager, Judge.

Johnson argues the district court committed misconduct at sentencing.¹ Because Johnson did not object to the alleged misconduct, we may review only for plain error. *See Oade v. State*, 114 Nev. 619, 622, 960 P.2d 336, 338 (1998) (allowing for plain error review and recognizing that counsel does not always challenge a judge's behavior "for fear of antagonizing [the judge] and thereby prejudicing a client's case" (internal quotation marks omitted)). Johnson fails to identify any error at sentencing

¹The State argues that Johnson's guilty plea agreement waived his ability to challenge the sentencing proceedings. Like the waiver clause at issue in *Aldape v. State*, 139 Nev., Adv. Op. 42, 535 P.3d 1184 (2023), Johnson's waiver clause provided that he waived a direct appeal of his conviction but did not waive the ability to appeal from alleged errors related to his sentence. *See id.* at 1189-90. For the reasons discussed in *Aldape*, we conclude that Johnson's guilty plea did not waive his ability to raise this claim on appeal.

“so unmistakable that it is apparent from a casual inspection of the record,” *Martinorellan v. State*, 131 Nev. 43, 49, 343 P.3d 590, 593 (2015) (quotation marks omitted), or that affected his substantial rights, *see Jeremias v. State*, 134 Nev. 46, 51, 412 P.3d 43, 49 (2018) (providing that “a plain error affects a defendant’s substantial rights when it causes actual prejudice or a miscarriage of justice”). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Bitu Yeager, District Judge
Law Office of Amanda Pellizzari, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk