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2 IN THE SUPREME COURT OF THE STATE OF NEVADA

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4 Oct 07 2021 02:13 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

5 TENNILLE RAE WHITAKER,

6 Appellant,

7 vs.

CASE NO.83049

8 THE STATE OF NEVADA,

9 Respondent.

10 Appeal From The Fourth Judicial District Court
11 Of The State of Nevada
In And For The County Of Elko

12 **RESPONDENT'S APPENDIX**

13
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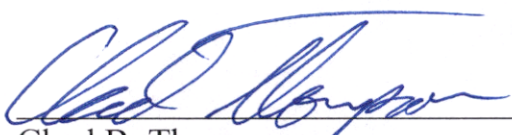
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Dated this 7 day of October, 2021.

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IN THE SUPREME COURT OF THE STATE OF NEVADA

TENNILLE RAE WHITAKER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77294

FILED

NOV 21 2019

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a nolo contendere plea, of four counts of sexual conduct between a school employee and a pupil under NRS 201.540. Fourth Judicial District Court, Elko County; Nancy L. Porter, Judge.

Having reviewed the parties' arguments and the record, we conclude appellant Tennille Whitaker did not properly preserve the issues raised on appeal—with the exception of her claim regarding her psychosexual report—and thus, we will not address them. *Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (holding that “[a] point not urged in the trial court, unless it goes to the jurisdiction of that court, is deemed to have been waived and will not be considered on appeal.”).

Addressing the psychosexual report, we conclude that the district court considered the psychosexual report, and therefore, it did not violate NRS 176.139. Further, the district court did not abuse its discretion by giving less weight to the psychosexual evaluation during sentencing, and therefore, no relief is warranted. *See Parrish v. State*, 116 Nev. 982, 988-

SUPREME COURT
OF
NEVADA

(0) 1947A



19-47661

89, 12 P.3d 953, 957 (2000) (recognizing the district court is afforded wide discretion in sentencing).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Pickering J.
Pickering

Parraguirre J.
Parraguirre

Cadish J.
Cadish

cc: Hon. Nancy L. Porter, District Judge
Byron A. Bergeron
Karla K. Butko
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

TENNILLE RAE WHITAKER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 77294
District Court Case No. CR-FP-17-3893

ELKO CO. DISTRICT COURT
CLERK DEPUTY *AM*

FILED

FEB 12 2020

ELIZABETH A. BROWN
CLERK OF DISTRICT COURT
BY *[Signature]*
DEPUTY CLERK

REMITTITUR

TO: Kristine Jakeman, Elko County Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: December 16, 2019

Elizabeth A. Brown, Clerk of Court

By: Monique Mercier
Administrative Assistant

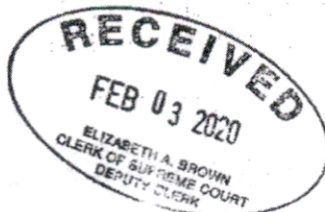
cc (without enclosures):

Hon. Nancy L. Porter, District Judge
Byron A. Bergeron
Karla K. Butko
Elko County District Attorney \ Chad B. Thompson, Deputy District Attorney

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on 12/20/19

[Signature]
District Court Clerk



IN THE SUPREME COURT OF THE STATE OF NEVADA

TENNILLE RAE WHITAKER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 77294
District Court Case No. CR-FP-17-3893

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER the judgment of the district court AFFIRMED."

Judgment, as quoted above, entered this 21st day of November, 2019.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
December 16, 2019.

Elizabeth A. Brown, Supreme Court Clerk

By: Monique Mercier
Administrative Assistant