

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL PEREZ-SANDOVAL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53505

**FILED**

DEC 22 2009

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of discharging a firearm from a motor vehicle in a populated area to promote activities of a criminal gang. First Judicial District Court, Carson City; James Todd Russell, Judge. The district court sentenced appellant Paul Perez-Sandoval to serve a prison term of 72 to 180 months plus a consecutive term of 12 to 180 months.

Perez-Sandoval contends that the district court erred by denying his pretrial motion to suppress his confession<sup>1</sup> because the confession was “the direct result of impermissible coercion by law enforcement.” Specifically, he claims that “law enforcement’s statements [during the interrogation] were intended to induce fear in Mr. Sandoval that if he refused to cooperate he would never see his wife and three children again.” Perez-Sandoval also claims that police threatened that he

---

<sup>1</sup>Perez-Sandoval represents that he preserved the right to appeal the denial of his motion to suppress and the State does not contest this representation. See NRS 174.035(3).

would spend the rest of his life in prison, he would be raped in prison, and that police would inform the judge of his failure to cooperate.

We review the district court's historical factual findings for clear error and its ultimate determination regarding voluntariness de novo. Rosky v. State, 121 Nev. 184, 190, 111 P.3d 690, 694 (2005). After careful consideration of the record before this court, we are not convinced that any statements made by police overbore Perez-Sandoval's will and rendered his confession involuntary. Dewey v. State, 123 Nev. 483, 491-92, 169 P.3d 1149, 1154-55 (2007). Therefore, we conclude that the district court did not err by denying Perez-Sandoval's motion to suppress his confession, and we

ORDER the judgment of conviction AFFIRMED.

Parraguirre, J.  
Parraguirre

Pickering, J.  
Pickering

DOUGLAS, J. dissenting:

I dissent in light of United States v. Tingle, 658 F.2d 1332, 1337 (9th Cir. 1981), Dewey v. State, 123 Nev. 483, 491-92, 169 P.3d 1149, 1154-55 (2007), and Passama v. State, 103 Nev. 212, 215, 735 P.2d 321, 323 (1987).

Douglas, J.  
Douglas

cc: Hon. James Todd Russell, District Judge  
Michael C. Novi  
Attorney General Catherine Cortez Masto/Carson City  
Carson City District Attorney  
Carson City Clerk