

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTONIO OMELAS ENRIQUEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59660

FILED

SEP 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Anderson*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted sexual assault and attempted lewdness with a child under the age of 14. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

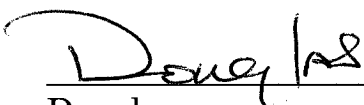
Appellant argues that NRS 176.015(3), which allows the crime victim or the victim's representative to address the sentencing court, is unconstitutional because that statute interferes with his right of confrontation. Here, counsel requested permission to speak after the victim's mother provided a victim impact statement. The district court denied the request. It is unclear from the record if counsel wished to question the witness or merely address the court. But even assuming counsel wished to cross-examine the witness, appellant enjoys no right of confrontation at the sentencing proceeding. See generally Summers v. State, 122 Nev. 1326, 1333, 148 P.3d 778, 783 (2006) (concluding that right to confrontation does not apply in capital sentencing proceedings). Accordingly, appellant's claim lacks merit.


Appellant next complains that the district court improperly engaged in speculation as to his reasons for pleading guilty. In particular, appellant challenges the district court's observation that he was facing a

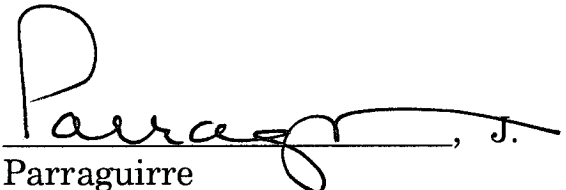
life sentence and received the benefit of a favorable sentence by pleading guilty and that he deserved no further benefit from the court. Viewing those statements in context, the district court did not speculate on appellant's reasons for pleading guilty but rather responded to his contention that he had accepted responsibility for his crimes and that he received a very favorable sentence considering the egregious nature of the offenses. We therefore conclude that the district court did not abuse its discretion in sentencing appellant. See Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) (recognizing district court's broad discretion in sentencing defendants); Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976) (observing that this court will not disturb a sentencing decision "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence").

Having considered appellant's arguments and concluded that they lack merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Douglas W. Herndon, District Judge
Law Offices of Tony Liker
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk