

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL CASEY LOPEZ, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64011

FILED

SEP 18 2014

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of first-degree murder. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

Appellant Paul Casey Lopez, Jr.'s sole contention on appeal is that the district court abused its discretion by relying on the State's assertion that Lopez lied about his motive for committing the murder in imposing a sentence of life without the possibility of parole. *See Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000) (reviewing sentencing determination for abuse of discretion). We disagree. During the sentencing hearing, the State briefly argued that Lopez's purported motive for the murder, that the victim had sexually assaulted a young friend of his, was fabricated in order to persuade other gang members to participate in the killing. However, the primary focus of the State's sentencing argument was Lopez's criminal history, which included another murder, an armed robbery, an armed home invasion, and several attacks on correctional officers. Lopez also had been convicted of cannabis trafficking, unlawful possession of a stolen vehicle, and aggravated fleeing or attempting to elude a police officer in Illinois. The district court based

its sentencing decision on the influence of Lopez's gang affiliation, his history of violence, and the danger he posed to the community. Lopez failed to demonstrate that the State's assertion constituted "impalpable or highly suspect evidence," or that the district court relied solely on it when rendering its decision. *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Michael Villani, District Judge
Oronoz & Ericsson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk