

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIMOTHY JAMES SPARACINO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64628

FILED

JUN 11 2014

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 three counts of possession of stolen property with a value \$3,500 or more. First Judicial District Court, Carson City; James Todd Russell, Judge.

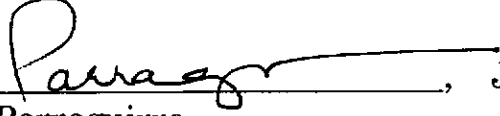
Appellant Timothy James Sparacino contends that the district court abused its discretion at sentencing and violated his right to due process by allowing victims to speak of matters outside the scope of NRS 176.015(3). We disagree.


Even assuming that the victims were prohibited from referencing the matters that Sparacino challenges on appeal, *see generally Buschauer v. State*, 106 Nev. 890, 893, 804 P.2d 1046, 1048 (1990) (interpreting NRS 176.015(3) broadly); *Randell v. State*, 109 Nev. 5, 7-8, 846 P.2d 278, 280 (1993) (recognizing that NRS 176.015(3) expands victims' rights), we conclude that no relief is warranted. As the victims gave their statements, the district court took considerable care to note that it would only consider their feelings regarding the charged crimes and would not consider any reference to uncharged crimes or other inappropriate matters. The district court sustained Sparacino's objections to a majority of the allegedly inappropriate remarks, and those that

Sparacino failed to object to do not rise to the level of plain error. Before imposing sentence, the district court disclaimed reliance upon all statements which fell outside the scope of NRS 176.015(3). *See Buschauer*, 106 Nev. at 893, 804 P.2d at 1048. For these reasons, Sparacino fails to demonstrate that the district court violated his right to due process, *see id.* at 893-94, 804 P.2d at 1048, or abused its discretion at sentencing, *see Randell*, 109 Nev. at 8, 846 P.2d at 280; *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976) (a district court abuses its discretion if it bases its sentencing determination only upon impalpable or highly suspect evidence). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. James Todd Russell, District Judge
Attorney General/Carson City
Carson City District Attorney
State Public Defender
Carson City Clerk