

IN THE SUPREME COURT OF THE STATE OF NEVADA

LINAL LORENZO MORRIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64701

FILED

JUN 11 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malin
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to an *Alford* plea, of robbery. *North Carolina v. Alford*, 400 U.S. 25 (1970). Second Judicial District Court, Washoe County; Jerome Polaha, Judge.

Appellant Linal Lorenzo Morris contends that the district court abused its discretion at sentencing by considering his juvenile commitment and by relying upon materially untrue assumptions made by the prosecutor regarding Morris's violent background. This court will not disturb a district court's sentencing determination absent an abuse of discretion. *Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000). A district court may consider a defendant's juvenile record when making a sentencing determination. *See Thomas v. State*, 88 Nev. 382, 385, 498 P.2d 1314, 1316 (1972); *see also* NRS 176.145(2).

The district court sentenced Morris to a prison term of 4 to 10 years. Morris concedes that he did not object to the prosecutor's argument at sentencing or to the inclusion of his juvenile commitment in the presentence investigation report; rather, counsel for Morris stated that there were no corrections or additions to the report. *See* NRS 178.602 ("Plain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the court."). Morris has

not demonstrated that the information regarding his juvenile commitment was obtained from sealed records.¹ While Morris argues that the district court's conclusion that he has violence in his background was based upon untrue assumptions put forth by the prosecutor, Morris has not demonstrated that the district court relied solely on impalpable or highly suspect evidence, *see Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976), as his adult criminal history includes convictions for violent offenses. Accordingly, we conclude that the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Saitta, J.
Saitta

cc: Hon. Jerome Polaha, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹Notably, Morris cites to Nevada statutes regarding a California commitment.