

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EMILY SUZANNE VASQUEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 69899

**FILED**

JUN 22 2016

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Amical*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of attempted theft. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.

Appellant Emily Vasquez claims the district court abused its discretion and abandoned its impartial role at sentencing. Specifically, Vasquez claims the district court aggressively questioned the victims and instead of being impartial at sentencing, became an advocate, thereby violating her due process rights.

The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). We will not interfere with the sentence imposed by the district court “[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.” *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

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To the extent Vasquez claims the district court was not impartial based on the questioning of the victims, Vasquez failed to object to the district court's questions. Therefore, we review for plain error. See *Valdez v. State*, 124 Nev. 1172, 1190, 196 P.3d 465, 477 (2008); see also *Anderson v. State*, 121 Nev. 511, 516, 118 P.3d 184, 187 (2005) (under the plain error standard, we determine "whether there was error, whether the error was plain or clear, and whether the error affected the defendant's substantial rights" (internal quotation marks omitted)).

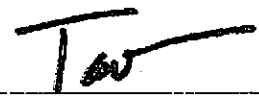
The victims testified at the sentencing hearing. The district court questioned them regarding the crime and Vasquez's involvement. During the first victim's testimony, Vasquez interjected and stated she did not do the things the victim stated she did. After that, the district court extensively questioned all of the victims regarding Vasquez's involvement in the crime. At the end of the hearing, the district court found the victims credible and sentenced Vasquez to a prison term of 12 to 48 months.

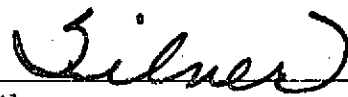
We conclude the district court did not abuse its discretion at sentencing. Vasquez has not alleged or demonstrated the district court relied on information or accusations founded on facts supported only by impalpable or highly suspect evidence. Vasquez has also failed to demonstrate the district court's questioning of the victims was error or that any error affected her substantial rights. See e.g., NRS 50.145. Victims are allowed to express their "views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution." NRS 176.015(3)(b). The district court's questions were limited to these topics. Further, Vasquez stated at the sentencing hearing

that the testimony of the victims was untruthful. The district court's questioning was necessary to determine whether the victims were credible or not. Therefore, we conclude Vasquez is not entitled to relief on this claim, and we

ORDER the judgment of conviction AFFIRMED.

  
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Gibbons C.J.

  
\_\_\_\_\_  
Tao J.

  
\_\_\_\_\_  
Silver J.

cc: Hon. Elliott A. Sattler, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Attorney General/Reno  
Washoe County District Attorney  
Washoe District Court Clerk