

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CAM SCOTT EASH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70167

FILED

SEP 21 2016

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 eluding or failing to stop on signal of a peace officer, endangering other persons or property; and robbery with the use of a deadly weapon. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

Appellant Cam Scott Eash claims the district court abused its discretion at sentencing by basing its sentencing decision in part on the victim-impact statement by Officer Marconato. Eash asks this court to extend the reasoning in *Igbinovia v. State*, 111 Nev. 699, 895 P.2d 1304 (1995), and hold Officer Marconato was not a victim under NRS 176.015(5)(d)(2) because he “was actively and voluntarily engaged in his police duties when he twisted his knee.”

“NRS 176.015(3) grants certain victims of crime the right to express their views before sentencing; it does not limit in any manner a sentencing court’s existing discretion to receive other admissible


evidence.” *Wood v. State*, 111 Nev. 428, 430, 892 P.3d 944, 946 (1995); see also NRS 176.015(6) (“This section does not restrict the authority of the court to consider any reliable and relevant evidence at the time of sentencing.”). Pursuant to NRS 176.015(5)(d)(2), a victim includes “[a] person who has been injured or killed as a direct result of the commission of a crime.”

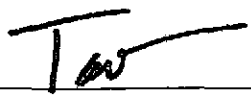
At sentencing, Officer Marconato testified under oath about the injuries he sustained while trying to apprehend Eash during a foot pursuit. Eash did not object to this testimony.


Officer Marconato qualified as a victim under NRS 176.015(5)(d)(2). Therefore, the district court did not abuse its discretion by allowing Officer Marconato to testify as a victim at sentencing. We decline to extend *Igbinovia*. We note, however, even if we were to extend *Igbinovia* and hold that an officer does not qualify as a victim under NRS 176.015(5)(d)(2) if he sustains injuries while engaged in police duties, Officer Marconato’s testimony still would have been admissible under NRS 176.015(6). Therefore, we conclude the district court did not abuse its discretion by considering Officer Marconato’s testimony when imposing sentence. Further, because Eash’s sentence is within the parameters provided by the relevant statutes, see NRS 193.165(1); NRS 200.380(2); NRS 484B.550(3)(b), and because the record does not demonstrate the district court relied upon impalpable or highly suspect evidence when imposing sentence, see *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976), we conclude the district court did not abuse its discretion at

sentencing, *see Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. David A. Hardy, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk