

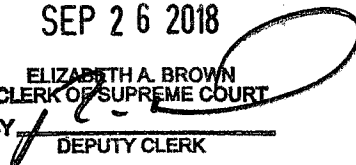
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LORZHON KHALIF TOMLIN-HARRIS,
A/K/A LORZHON KHALIF
TOMLINHARRIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74505

FILED

SEP 26 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Lorzhon Khalif Tomlin-Harris appeals from a judgment of conviction entered pursuant to a guilty plea of robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

Tomlin-Harris argues the district court abused its discretion at sentencing because it imposed a lengthy sentence despite the mitigation evidence and did not articulate its reasons for imposing such a sentence. We review a district court's sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). 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).

A review of the record reveals the district court heard the arguments of the parties and stated it had read everything it had been provided, which included Tomlin-Harris' sentencing memorandum. The district court then announced a prison term of 60 to 180 months for the robbery plus a consecutive term of 60 to 180 months for the deadly weapon enhancement was the appropriate sentence. This sentence was within the parameters of the relevant statutes. *See* NRS 193.165(1); NRS 200.380(2) Tomlin-Harris does not allege the district court based its decision upon impalpable or highly suspect evidence and he does not demonstrate the district court was required to articulate its reasons for imposing a particular sentence for the primary offense. Therefore, we conclude Tomlin-Harris fails to demonstrate the district court abused its discretion during sentencing.

To the extent Tomlin-Harris claims the district court committed reversible error by failing to make specific findings to support its deadly-weapon-enhancement decision, as required by NRS 193.165(1) and *Mendoza-Lobos v. State*, 125 Nev. 634, 218 P.3d 501 (2009), Tomlin-Harris fails to demonstrate he is entitled to relief. Tomlin-Harris did not object below; therefore, he is not entitled to relief absent a demonstration of plain error. *See id.* at 644, 218 P.3d at 507. Our review of the record reveals "the district court failed to articulate findings regarding each of the enumerated factors for each deadly weapon enhancement. However, nothing in the record indicates that the district court's failure to make certain findings on the record had any bearing on the district court's sentencing decision." *Id.* at 644, 218 P.3d at 508. Therefore, we conclude the district court did not

commit plain error affecting Tomlin-Harris' substantial rights.
Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Silver, C.J.
Silver

Tao, J.
Tao

Gibbons, J.
Gibbons

cc: Hon. Stefany Miley, District Judge
Special Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk