


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAHKEEM ELIJAH DAVIS, A/K/A
RAHKEEM ELIJAHDELORA DAVIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75217-COA

FILED

APR 29 2013

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Rahkeem Elijah Davis appeals from a judgment of conviction entered pursuant to a guilty plea of three counts of robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

Davis claims his sentence must be reversed because the district court failed to state it had considered the factors enumerated in NRS 193.165(1) before imposing the sentences for the deadly weapon enhancements. Davis did not object below, and, therefore, he is not entitled to relief absent a demonstration of plain error. *See Mendoza-Lobos v. State*, 125 Nev. 634, 644, 218 P.3d 501, 507 (2009).

NRS 193.165(1) requires district courts imposing a sentence for a deadly weapon enhancement to articulate factual findings concerning: “(a) [t]he facts and circumstances of the crime; (b) [t]he criminal history of the person; (c) [t]he impact of the crime on any victim; (d) [a]ny mitigating factors presented by the person; and (e) [a]ny other relevant information.” The district court must state on the record that it has considered these factors in determining the length of the deadly weapon enhancement. *Id.*; *Mendoza-Lobos*, 125 Nev. at 644, 218 P.3d at 508.

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Here, the district court did not make separate findings for each deadly weapon enhancement before sentencing Davis and his codefendants. However, it did state that it had reviewed the facts and circumstances of the crimes, the criminal histories of the defendants, the impact these crimes had on the victims, and the contents of the presentence investigation report. And it further stated that it had considered the youth of the defendants and the fact that all but one of them lacked a criminal history. Based on this record, we conclude the district court's error "did not cause any prejudice or a miscarriage of justice and thus does not warrant relief." *Mendoza-Lobos*, 125 Nev. at 644, 218 P.3d at 508. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Michael Villani, District Judge
Matthew D. Carling
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk