

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JACOB DANIEL HOUSER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

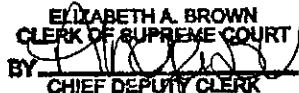
No. 69689

JACOB DANIEL HOUSER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 69690

**FILED**

NOV 18 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Docket No. 69689 is an appeal from a judgment of conviction, pursuant to a guilty plea, of incest, entered in district court case number 15CR002701B. Docket No. 69690 is an appeal from a judgment of conviction, pursuant to a guilty plea, of sexual assault of a minor under the age of 16, entered in district court case number 15CR002691B. First Judicial District Court, Carson City; James Todd Russell, Judge.

Appellant Jacob Daniel Houser argues the district court was unduly influenced by overly prejudicial victim impact testimony presented at the sentencing hearing.<sup>1</sup> Houser asserts this caused the district court

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<sup>1</sup>The district court conducted a single sentencing hearing for these cases.

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to improperly sentence him to serve consecutive rather than concurrent prison terms.


Pursuant to NRS 176.015(3)(b) victims may “[r]easonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.” “Views’ on the defendant clearly encompass opinions as to the defendant’s general character.” *Buschauer v. State*, 106 Nev. 890, 893, 804 P.2d 1046, 1048 (1990). Further, a “district court is capable of listening to the victim’s feelings without being subjected to an overwhelming influence by the victim in making its sentencing decision.” *Randell v. State*, 109 Nev. 5, 8, 846 P.2d 278, 280 (1993).


During the challenged testimony, the grandmother of one of Houser’s victims stated her views regarding Houser, the harm he caused her granddaughter, and her hope that Houser’s time in prison would cause him to understand the consequences of his sexual crimes against the young victims. When the challenged testimony is considered in context, Houser fails to demonstrate this amounted to improper victim testimony.

Moreover, when the district court pronounced Houser’s sentence, it stated its conclusion that Houser was a predator of young girls, Houser’s actions were premeditated, and that Houser had known his actions were wrong, yet still engaged in sexual activity with young girls, including his young half-sister. Considering the reasons the district court stated for the imposition of sentence, we conclude Houser was not prejudiced from any consideration of the challenged victim impact testimony, *see generally Dieudonne v. State*, 127 Nev. 1, 9 n.3, 245 P.3d 1202, 1207 n.3 (2011) (recognizing erroneous admission of a victim-impact statement is reviewed for harmless error), and the district court did not

abuse its discretion when imposing sentence, *see Randell*, 109 Nev. at 8, 846 P.2d at 280. Accordingly, we

ORDER the judgments of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

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

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

cc: Hon. James Todd Russell, District Judge  
State Public Defender/Carson City  
Attorney General/Carson City  
Carson City District Attorney  
Carson City Clerk