

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SASHA WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78769-COA

FILED

MAY 11 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Sasha Williams appeals from a judgment of conviction entered pursuant to a guilty plea of conspiracy to commit robbery and three counts of robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

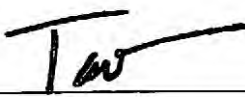
Williams argues the district court erred at the sentencing hearing when it did not allow her to cross-examine the persons providing victim-impact testimony. Because Williams did not request to cross-examine those individuals, she is not entitled to relief absent a demonstration of plain error. *Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48-49 (2018), *cert. denied*, 139 S. Ct. 415 (Oct. 29, 2018). To demonstrate plain error, an appellant must show there was an error, the error was plain or clear, and the error affected appellant's substantial rights. *Id.* at 50, 412 P.3d at 48.

A defendant is not normally entitled to cross-examine a person giving victim-impact testimony "where the impact statement will refer only to . . . the facts of the crime, the impact on the victim, and the need for restitution." *Buschauer v. State*, 106 Nev. 890, 893, 804 P.2d 1046, 1048 (1990). A review of the transcript of the sentencing hearing demonstrates

that the persons giving the victim-impact testimony appropriately discussed the facts regarding this crime and the resulting impact. Given the record, Williams failed to demonstrate the district court erred by not giving her the opportunity to cross-examine those individuals during the victim-impact testimony. Moreover, “[t]he 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), and therefore, Williams fails to demonstrate any failure to permit cross-examination of the persons giving the victim-impact testimony affected her substantial rights. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Douglas W. Herndon, District Judge
Lance J. Hendron, Attorney at Law, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk