

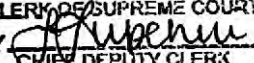
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DON EDWARD HUNT, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78677-COA

FILED

MAY 26 2020

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

ORDER OF AFFIRMANCE

Don Edward Hunt, Jr., appeals from a judgment of conviction entered pursuant to a guilty plea of two counts of child abuse, neglect, or endangerment. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

First, Hunt claims he was deprived of a fair sentencing as a result of prosecutorial misconduct. He argues that the prosecutor committed misconduct by making the following comments, which he asserts were inflammatory: Hunt admitted that he was a coward for failing his children. Hunt was a horrible father. One of Hunt's previous California convictions was reduced from a felony to a misdemeanor due to a change in the law. And Hunt's previous California conviction for misdemeanor cruelty to a child "speaks volumes" about his instant offenses.

Hunt did not object to any of these comments. Therefore, he is not entitled to relief absent a demonstration of plain error. *See Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (2018), *cert. denied*, 139 S. Ct. 415 (2018). To demonstrate plain error, he must show "(1) there was error; (2) the error is plain, meaning that it is clear under the current law from a casual inspection of the record; and (3) the error affected [his] substantial

rights.” *Id.* We conclude he has not shown that the prosecutor’s comments were improper and therefore he has not demonstrated plain error. See generally *Parker v. State*, 109 Nev. 383, 392, 849 P.2d 1062, 1068 (1993) (“[S]tatements by the prosecutor, in argument, indicative of his or her opinion, belief, or knowledge as to the guilt of the accused, when made as a deduction or a conclusion from the evidence introduced in the trial, are permissible and unobjectionable.” (internal quotation marks and brackets omitted)).

Second, Hunt claims the district court abused its discretion by basing its sentencing decision on prejudice, passion, or arbitrary factors. He argues that “[t]he State’s misconduct so infected the proceedings, [that his] due process rights were violated.” And he asserts that the district court failed to articulate what aggravating and mitigating factors it used in reaching its sentencing decision.

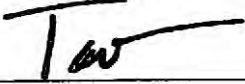
We review a district court’s sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). The district court may “consider a wide, largely unlimited variety of information to insure that the punishment fits not only the crime, but also the individual defendant.” *Martinez v. State*, 114 Nev. 735, 738, 961 P.2d 143, 145 (1998); see NRS 176.015(6). However, we “will reverse a sentence if it is supported solely by impalpable and highly suspect evidence.” *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996).

Hunt’s consecutive 24- to 60-month prison terms fall within the parameters of the relevant statute. See NRS 200.508(1)(b)(1). He has not demonstrated that the district court relied on impalpable or highly suspect evidence. The record does not demonstrate that his sentence was the product of prejudice, passion, or arbitrary factors. And the district court

was not required to state its reasons for imposing a sentence. *Campbell v. Eighth Judicial Dist. Court*, 114 Nev. 410, 414, 1141, 1143 (1998). We note that the district court sentenced Hunt pursuant to the parties' guilty plea negotiations. And we conclude that the district court did not abuse its discretion at sentencing.

Having concluded Hunt is not entitled to relief, we
ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Mary Kay Holthus, District Judge
Legal Resource Group
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk