

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TRENT EDWARD WEIDER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79972-COA

FILED

AUG 24 2020

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

ORDER OF AFFIRMANCE

Trent Edward Weider appeals from a judgment of conviction entered pursuant to a guilty plea of statutory sexual seduction by a person under the age of 21, second offense. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

Weider argues the district court abused its discretion by relying on the psychosexual evaluation and its assessment that Weider presented a high risk to reoffend. Weider contends the evaluator did not properly consider the dynamics of the encounter between Weider and the victim. Weider also asserts the evaluator improperly found that Weider was resistant to supervision.

A district court's decision to accept a psychosexual evaluation when imposing sentence is reviewed for an abuse of discretion. *Blackburn v. State*, 129 Nev. 92, 98, 294 P.3d 422, 427 (2013). When accepting a psychosexual evaluation, the district court must make specific findings as to "whether the evaluator was qualified under NRS 176.139(2) and whether the evaluation is based upon currently accepted standards of assessment." *Id.* When assessing a defendant's risk to reoffend, an evaluator is not required to rely "on actuarial tools alone," but may also utilize "his or her

professional opinion in conducting a psychosexual evaluation.” *Id.* at 98, 294 P.3d at 426.

The district court conducted an evidentiary hearing concerning the psychosexual evaluation and the assessment that Weider presented a high risk to reoffend. At the hearing, the parties stipulated that the evaluator, Dr. Coard, was qualified pursuant to NRS 176.139(2) to conduct the risk assessment. The evaluator testified about how he came to find that Weider presented a high risk to reoffend. The evaluator acknowledged that Weider had not been accurately informed of the victim’s age, but found that Weider’s decision to engage in sexual activity with someone he had only known for a few hours demonstrated he acted impulsively. The evaluator explained that he found Weider’s impulsivity was of great concern when assessing Weider’s risk to reoffend.

The evaluator also explained that he found Weider was resistant to supervision because he was on probation for a prior conviction of statutory sexual seduction involving a young female when he committed this offense. The terms of Weider’s probation required him to obey all laws and to have no contact with persons under the age of 18 unless previously approved by his probation officer. Despite those conditions, Weider committed a similar offense to that for which he was serving a term of probation. The evaluator testified that Weider’s failure to change his behavior demonstrated he was resistant to supervision.

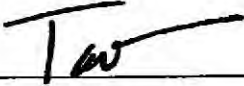
The district court found the evaluator appropriately assessed the facts of the offense and Weider’s failure to follow the terms of his probation when reaching his conclusion that Weider presented a high risk to reoffend. The district court therefore found Weider did not demonstrate

the risk assessment should be stricken and utilized the psychosexual examination when imposing sentence.

The record demonstrates the district court made specific findings regarding the psychosexual evaluation and the record supports those findings. Based on the record before this court, we conclude Weider failed to demonstrate the district court abused its discretion by relying on the psychosexual evaluation and its assessment that Weider presented a high risk to reoffend. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. David A. Hardy, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk