

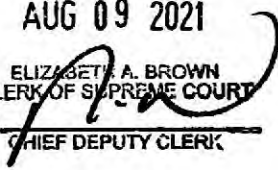
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES EARL WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81985-COA

FILED

AUG 09 2021

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

ORDER OF AFFIRMANCE

James Earl Williams appeals from a judgment of conviction entered pursuant to an *Alford*¹ plea of two counts of sexually motivated coercion. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

First, Williams argues the district court abused its discretion by imposing lengthy prison terms. Williams asserts he did not have a lengthy criminal history, he had family support, he had potential employment, he was cooperative with the police regarding this matter, and he received a positive psychosexual evaluation. Williams also contends the district court erred because it did not articulate findings in support of its sentencing decisions.

The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). We will not interfere with a sentence imposed by the district court that falls within the parameters of relevant sentencing statutes “[s]o long as the record does not demonstrate prejudice resulting from consideration of information or

¹*North Carolina v. Alford*, 400 U.S. 25 (1970).

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accusations founded on facts supported only by impalpable or highly suspect evidence.” *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

The district court listened to the arguments of the parties and Williams’ mitigation information. The district court subsequently imposed consecutive terms of 28 to 72 months in prison, which was within the parameters provided by the relevant statutes. *See* NRS 176.035(1); NRS 207.190(2)(a); NRS 207.193(6). Williams does not allege that the district court relied on impalpable or highly suspect evidence. Additionally, it was within the district court’s discretion to decline to place Williams on probation. *See* NRS 176A.100(1)(c). Moreover, Williams does not demonstrate that the district court erred by failing to articulate the basis for its sentencing decision. *See Campbell v. Eighth Judicial Dist. Court*, 114 Nev. 410, 414, 957 P.2d 1141, 1143 (1998) (holding that district courts are not required to articulate findings in support of the imposition of a particular sentence).² Considering the record before this court, we conclude Williams fails to demonstrate the district court abused its discretion when imposing his sentence.

Second, Williams argues the district court erred by ordering restitution to be paid to Clark County Social Services because that agency was not a victim of the crimes. Williams did not object to imposition of restitution, and thus, he is not entitled to relief absent a demonstration of

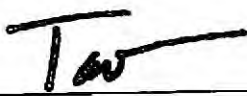
²Williams urges this court to overrule *Campbell*. However, this court cannot overrule Nevada Supreme Court precedent. *See People v. Solorzano*, 63 Cal. Rptr. 3d 659, 664 (Ct. App. 2007), *as modified* (Aug. 15, 2007) (“The Court of Appeal must follow, and has no authority to overrule, the decisions of the California Supreme Court.” (quotation marks and internal punctuation omitted)); *see also Hubbard v. United States*, 514 U.S. 695, 720 (1995) (Rehnquist, C.J., dissenting) (observing *stare decisis* “applies *a fortiori* to enjoin lower courts to follow the decision of a higher court”).

plain error. See *Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48-49 (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.

The Nevada Supreme Court previously concluded that a government social services agency can be a victim for purposes of restitution and may receive restitution for the money expended for the benefit of the true victims of the criminal conduct. *Roe v. State*, 112 Nev. 733, 735-36, 917 P.2d 959, 960 (1996). The record states that Clark County Social Services expended funds to pay the hospital bills the victims incurred as a result of Williams' criminal conduct. In light of the record before this court, Williams does not demonstrate that imposition of restitution to Clark County Social Services amounted to error affecting his substantial rights. Therefore, we conclude Williams is not entitled to relief. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Mary Kay Holthus, District Judge
Special Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk