

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MORRIS GIRON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 82265-COA

FILED

SEP 13 2021

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

ORDER OF AFFIRMANCE

Morris Giron appeals from a judgment of conviction, pursuant to a guilty plea, of child abuse, neglect, or endangerment and open or gross lewdness. Eighth Judicial District Court, Clark County; Cristina D. Silva, Judge.

Giron first claims the district court abused its discretion at sentencing by assuming he committed unreported offenses. Giron argues the unreported offenses amount to facts supported by impalpable or highly suspect evidence. 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 so long as the record does not demonstrate the sentence was “supported *solely* by impalpable and highly suspect evidence.” *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996); *accord Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

The sentence imposed of 28 to 70 months in prison for the child abuse count and a concurrent sentence of 364 days in county jail for the lewdness count were within the parameters of the relevant statutes. See NRS 193.140; NRS 200.508(1)(b)(1); NRS 201.210(1)(a). And the record reveals the district court did not rely solely on the prosecutor's statements implying unreported offenses. Accordingly, we conclude the district court did not abuse its discretion in sentencing Giron.

Giron also claims the district court abused its discretion by considering federal sentencing guidelines when imposing his sentence. Giron did not object when the district court discussed federal sentencing guidelines at the sentencing hearing. 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, 48-49 (2018). To demonstrate plain error, Giron 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.* at 50, 412 P.3d at 48 (internal quotation marks omitted).


The guidance the sentencing judge took from the federal sentencing guidelines was the factors she was going to consider in determining Giron's sentence. Giron does not demonstrate that consideration of these factors was error plain from the record. See *Martinez v. State*, 114 Nev. 735, 738, 961 P.2d 143, 145 (1998) (providing that a

sentencing judge may “consider a wide, largely unlimited variety of information to insure that the punishment fits not only the crime, but also the individual defendant”). Therefore, we conclude Giron is not entitled to relief on this claim.

For the foregoing reasons, we

ORDER the judgment of conviction AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Cristina D. Silva, District Judge  
Goodwin Law Group, PLLC  
Las Vegas Defense Group, LLC  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk