

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAFAEL ROSAS CARDENAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84288-COA

FILED

JUL 27 2022

ELIZABETH A. BROWN
CLERK OF APPEALS COURT
BY *[Signature]*
REPLY FILED

ORDER OF AFFIRMANCE


Rafael Rosas Cardenas appeals from a judgment of conviction, entered pursuant to a guilty plea, of child abuse, neglect, or endangerment resulting in substantial bodily or mental harm and involving sexual exploitation. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

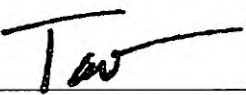
Cardenas argues the district court abused its discretion by imposing the maximum sentence possible without considering the “individualized circumstances” of his case and without articulating any rationale for its decision. Cardenas also appears to argue that his sentence constitutes cruel and unusual punishment.

“Generally, when a defendant pleads guilty and agrees to a specific sentence, he waives his right to challenge the propriety of his sentence.” *Burns v. State*, 137 Nev., Adv. Op. 50, 495 P.3d 1091, 1102 (2021) (internal quotation marks and punctuation omitted). In the guilty plea agreement, the State and Cardenas agreed to jointly recommend that the district court impose a prison term of 96 to 240 months, and defense counsel requested that the district court adopt this sentence at the sentencing hearing. We therefore conclude that because Cardenas received the

sentence to which he stipulated, he cannot challenge the imposition of that sentence on appeal.¹ *See id.* at 1103. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Michael Montero, District Judge
Humboldt County Public Defender
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk

¹We note that Cardenas' arraignment was held on October 12, 2021, and the *Burns* decision was issued on September 23, 2021.