

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHARLES DWAYNE JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84657-COA

FILED

JAN 31 2023

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

ORDER OF AFFIRMANCE

Charles Dwayne Jones appeals from a judgment of conviction entered pursuant to a guilty plea of second-degree murder with the use of a deadly weapon and two counts of attempted murder with the use of a deadly weapon. Second Judicial District Court, Washoe County; Barry L. Breslow, Judge.

Jones argues that the district court abused its discretion at sentencing because it imposed the maximum sentence despite compelling mitigation evidence. Jones contends that the district court did not provide a reasonable basis for ignoring his mitigation evidence and imposing six consecutive terms in prison.

The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Generally, this court 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 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); see *Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998).

During the sentencing hearing, the district court listened to the arguments of the parties and heard information concerning Jones’ difficult childhood, substance abuse challenges, and mental health issues. The district court also heard the impact statements from the victims. The district court subsequently explained that it sought to find the right balance in this matter and stated that it considered Jones’ mitigation evidence and his good behavior following his arrest. The district court also noted that this matter involved uncalled for violence that caused great harm to the victims and that Jones had a lengthy criminal history.

The district court ultimately imposed a term of life in prison with the possibility of parole after 10 years for second-degree murder plus a consecutive term of 8 to 20 years for the deadly weapon enhancement. It also imposed a consecutive term of 8 to 20 years for the first attempted murder count plus a consecutive term of 8 to 20 years for the deadly weapon enhancement and another consecutive term of 8 to 20 years for the other attempted murder count plus a consecutive term of 8 to 20 years for the deadly weapon enhancement. The total aggregate sentence amounted to life in prison with the possibility of parole after 50 years.

The sentence imposed is within the parameters provided by the relevant statutes. See NRS 176.035(1); NRS 193.153(1)(a)(1); NRS 193.165(1); NRS 200.030(4), (5)(a). And Jones does not allege that the district court relied on impalpable or highly suspect evidence. Having

considered the sentence and the crime, we conclude the district court did not abuse its discretion in sentencing Jones. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Barry L. Breslow, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk