


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TYLER WILLIAMSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 84834-COA

**FILED**

JAN 31 2023

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

*ORDER OF AFFIRMANCE*

Tyler Williamson appeals from a judgment of conviction, entered pursuant to a guilty plea, of battery with intent to commit robbery and battery constituting domestic violence. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

Williamson argues the State breached the guilty plea agreement when it proffered photographs of the victim's injuries at sentencing. In particular, Williamson argues the State agreed to make no recommendation at sentencing and that proffering the photographs was an implicit attempt to make a sentencing recommendation in violation of the plea agreement.

The State is held "to the most meticulous standards of both promise and performance in fulfillment of its part of a plea bargain" and must avoid violating either the terms or the spirit of the plea agreement. *Sullivan v. State*, 115 Nev. 383, 387, 990 P.2d 1258, 1260 (1999). Where the State has agreed to make no recommendation at sentencing, "it may not attempt[ ] to influence the sentence by presenting the court with conjecture, opinion, or disparaging information already in the court's possession." *Id.*

at 388-89, 990 P.2d at 1261 (alteration in original) (internal quotation marks omitted).

Here, the State agreed to make no recommendation regarding the charge of battery with intent to commit robbery. At the sentencing hearing, the victim stated she had photographs of her injuries from the night the offense occurred. Thereafter, the State informed the district court that the victim had indicated she wanted the court to view these photographs and that it had sent these photographs to defense counsel.

Defense counsel objected to the photographs and argued that the State's proffer constituted a recommendation in contravention of the plea agreement. The State asserted that it was not changing its position with respect to the plea agreement but rather informing the court that the victim had provided these photographs to the State that morning, the victim had indicated she wanted to show the photographs to the court, and the State had sent the photographs to defense counsel so counsel could review them prior to the hearing. The district court stated that it had not seen the photographs and that it would not consider them.

The State did not bring the photographs to the district court's attention; rather, the victim referred to the photographs in her statement to the court, and the State responded to this reference. Moreover, the State did not discuss the contents of the photographs or argue that the district court should consider the photographs. The State also reaffirmed that it was committed to its position in the plea agreement. Under these circumstances, we conclude the State did not implicitly recommend a sentence by informing the district court that the victim had provided the State with photographs and that the victim indicated that she wanted the

court to view the photographs. Therefore, Williamson failed to demonstrate the State breached the terms or spirit of the plea agreement, and we

ORDER the judgment of conviction AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Ronald J. Israel, District Judge  
Special Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk