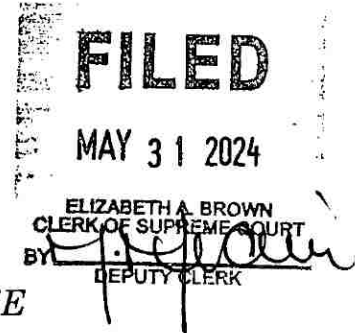


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KAPENA KAINUI FARIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87097-COA



ORDER OF AFFIRMANCE

Kapena Kainui Faris appeals from a judgment of conviction, entered pursuant to a guilty plea, of establishing or possessing a financial forgery laboratory. Eighth Judicial District Court, Clark County; Jennifer L. Schwartz, Judge.

Faris argues the district court erred by sentencing him based upon an incorrect presentence investigation report (PSI). Faris contends the PSI should be corrected and he should be resentenced with a correct PSI that does not reflect that he has served two terms of incarceration in prison when he has only served one such term.

We review issues related to correcting a PSI for an abuse of discretion. *See Blankenship v. State*, 132 Nev. 500, 506, 375 P.3d 407, 411 (2016). Generally, alleged factual inaccuracies in a PSI do not warrant relief if they do not impact the defendant's sentence. *See Stockmeier v. State, Bd. of Parole Comm'rs*, 127 Nev. 243, 250 n.6, 255 P.3d 209, 214 n.6 (2011). However, a defendant may be entitled to relief where the factual inaccuracies are "materially prejudicial because of their potential effect on the defendant's prison classification or parole eligibility." *Id.* But where the challenged information in the PSI was not based on impalpable or

highly suspect evidence, this court does not need to consider whether the information could possibly materially prejudice a defendant's prison classification or his chances of being released on parole. *See Gomez v. State*, 130 Nev. 404, 408, 324 P.3d 1226, 1229 (2014).

Faris received the 30-to-180-month prison sentence he stipulated to as part of his plea agreement, and Faris does not argue the alleged factual inaccuracy impacted his sentence. Further, he does not argue that the alleged factual inaccuracy constitutes palpable or highly suspect evidence or that it is materially prejudicial to his prison classification or parole eligibility. Therefore, we conclude the district court did not abuse its discretion by failing to correct the PSI prior to sentence. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Jennifer L. Schwartz, District Judge
Adras & Altig Attorneys at Law
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk