

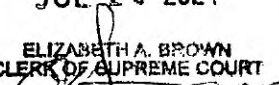
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SANKONA LOVELLE GRAHAM,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 86876-COA

**FILED**

JUL 26 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Sankona Lovelle Graham appeals from a judgment of conviction, entered pursuant to a no contest plea, of attempted sexual assault. Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.

Graham argues that his speedy trial rights were violated where approximately fourteen months elapsed between his arraignment and his entry of a no contest plea. Errors that arise before entry of a guilty plea are ordinarily waived by entry of the guilty plea,<sup>1</sup> *see Webb v. State*, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975), and Graham does not argue that he preserved this alleged error as part of his guilty plea, *see* NRS 174.035(3). Therefore, we conclude that this claim is waived.

Graham also argues the district court erred by not ordering a second psychosexual evaluation after Graham argued that there were discrepancies within the first evaluation. In his motion, Graham argued

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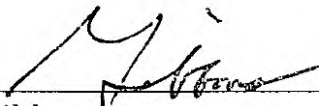
<sup>1</sup>We note that a no contest plea is equivalent to a guilty plea insofar as how the court treats a defendant. *State v. Lewis*, 124 Nev. 132, 133 n.1, 178 P.3d 146, 147 n.1 (2008), *overruled on other grounds by State v. Harris*, 131 Nev. 551, 556, 355 P.3d 791, 793-94 (2015).

there were discrepancies regarding the need for sex offender treatment, the recommendation for substance abuse treatment, and the conclusion that Graham had a mental disorder affecting his volitional and emotional control. Graham argues that the district court should have had a hearing and made specific findings with respect to the discrepancies, citing *Blackburn v. State*, 129 Nev. 92, 294 P.3d 422 (2013). “Before a district court can accept a psychosexual evaluation, it has an obligation to determine whether the evaluator was qualified under NRS 176.139(2) and whether the evaluation is based upon currently accepted standards of assessment.” *Id.* at 98, 294 P.3d at 427. “In making these determinations, the court also must articulate specific findings so that this court can properly review its reasoning.” *Id.* If the evaluator’s professional judgment “departs from the quantifiable test results . . . the district court should acknowledge the discrepancy and make specific findings about the deviation in its determination of whether a psychosexual evaluation is based upon a currently accepted standard of assessment.” *Id.* at 98, 294 P.3d at 426.


Here, the district court held a hearing on Graham’s objection to the psychosexual evaluation. After taking the motion under advisement, the district court found that there were no significant discrepancies and denied the motion. The district court’s finding is sufficient for this court to review the denial of the motion, and we conclude that the finding is supported by the record. The evaluator’s opinion that Graham was a high risk to reoffend was not a departure from the quantifiable test results. Further, the discrepancies mentioned by Graham appear to be disagreements with the evaluator’s findings rather than actual discrepancies. Although the evaluator found that Graham did not appear to have deviant sexual thoughts, that finding did not mean Graham would

not benefit from sex offender treatment, particularly given his history of a prior sexual offense. Further, while Graham did not have an alcohol problem, he did admit to self-medicating with cannabis daily. Thus, he did have a potential substance abuse issue. Finally, Graham fails to demonstrate that the evaluator's finding regarding his volitional and emotional regulation was wrong given Graham's mental health history. Therefore, we conclude that the district court did not abuse its discretion by denying Graham's motion. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Kimberly A. Wanker, District Judge  
SDS Chartered, LLC  
Attorney General/Carson City  
Nye County District Attorney  
Nye County Clerk