

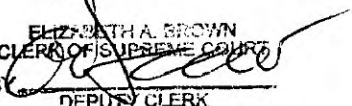
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CAROLINE BOYD-RUGGIERO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86856-COA

FILED

AUG 01 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER OF AFFIRMANCE AND REMANDING TO CORRECT
JUDGMENT OF CONVICTION*

Caroline Boyd-Ruggiero appeals from a judgment of conviction, entered pursuant to a no-contest plea, of driving under the influence of alcohol and/or controlled or prohibited substance resulting in death. Second Judicial District Court, Washoe County; Tammy Riggs, Judge.

Boyd-Ruggiero argues the district court abused its discretion when it considered written statements from two of the victim's cousins in determining her sentence. Specifically, Boyd-Ruggiero contends that the cousins do not constitute "victims" under NRS 176.015(5)(d) and that the court did not determine whether the statements were relevant and reliable. The State does not dispute that the cousins do not constitute "victims" for the purposes of NRS 176.015(5)(d); however, the State contends Boyd-Ruggiero conceded at the sentencing hearing that the statements were relevant and reliable and, thus, that any error was invited.

The record indicates that, although defense counsel objected to the cousins *testifying* at the sentencing hearing, counsel did not argue that the court could not consider their written statements in determining Boyd-Ruggiero's sentence. To the contrary, defense counsel explicitly stated that

he was “not going to lodge a statement and ask for [the] statements to be stricken” because, given “Nevada law regarding victim impact statements, [he was] sure that [the court] would find those statements to be reliant, relevant and reliable.” Given counsel’s statements, we conclude Boyd-Ruggiero induced or provoked the district court to consider the now-challenged statements, and we decline to consider this claim on appeal. See *LaChance v. State*, 130 Nev. 263, 276, 321 P.3d 919, 928 (2014) (recognizing “a defendant will not be heard to complain on appeal of errors which he himself induced or provoked the court . . . to commit” (internal quotation marks omitted)).

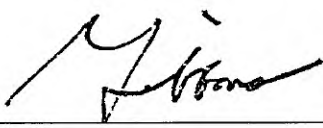
Boyd-Ruggiero also argues the district court abused its discretion by imposing a sentence of 4 to 10 years in prison. Specifically, Boyd-Ruggiero contends the district court did not give due consideration to her mitigating circumstances: she is 34 years old, she had no prior criminal convictions, she had a traumatic and challenging childhood, and she took responsibility for her actions and entered a plea without the benefit of negotiations from the State.

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).


Boyd-Ruggiero's sentence of 4 to 10 years in prison is within the parameters provided by the relevant sentencing statute. *See* NRS 484C.430(1). Moreover, Boyd-Ruggiero does not contend that the district court relied upon impalpable or highly suspect evidence in determining her sentence. Although Boyd-Ruggiero contends several mitigating factors warranted a lesser sentence, Boyd-Ruggiero argued these mitigating factors before the district court. After considering the mitigating and aggravating circumstances presented, the district court determined the instant sentence was warranted. Having considered the sentence and the crime, we conclude the district court did not abuse its discretion by imposing Boyd-Ruggiero's sentence.

Finally, our review of the judgment of conviction reveals a clerical error: It states Boyd-Ruggiero entered a guilty plea, but the plea canvass transcript indicates Boyd-Ruggiero entered a no-contest plea. Because the district court has the authority to correct a clerical error at any time, *see* NRS 176.565, we direct the district court, upon remand, to enter a corrected judgment of conviction clarifying that Boyd-Ruggiero entered a no-contest plea. Accordingly, we

ORDER the judgment of conviction AFFIRMED and REMAND to the district court to correct the judgment of conviction.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Tammy Riggs, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk