


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSE URIEL ZARATE-PIMENTAL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87250-COA

FILED

SEP 27 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK


ORDER OF AFFIRMANCE

Jose Uriel Zarate-Pimental appeals from a judgment of conviction, entered pursuant to a guilty plea, of owning or possessing a firearm by a prohibited person. Second Judicial District Court, Washoe County; Kathleen A. Sigurdson, Judge.

Zarate-Pimental argues the district court abused its discretion by adjudicating him as a habitual criminal and sentencing him pursuant to the small habitual criminal enhancement. *See* NRS 207.010(1)(a). Specifically, he contends habitual criminal adjudication was inappropriate because two of his convictions were stale, his prior convictions were nonviolent offenses, and he presented mitigating information. The district court has broad discretion to dismiss a count of habitual criminality brought pursuant to NRS 207.010. *See* NRS 207.010(3); *O'Neill v. State*, 123 Nev. 9, 12, 153 P.2d 38, 40 (2007). The record reveals the district court understood its sentencing authority and properly exercised its discretion to adjudicate Zarate-Pimental as a habitual criminal. *See generally Hughes v. State*, 116 Nev. 327, 996 P.2d 890 (2000); *see also Arajakis v. State*, 108 Nev. 976, 983, 843 P.2d 800, 805 (1992) (“NRS 207.010 makes no special allowance for non-violent crimes or for the remoteness of convictions.”). In the judgment of

conviction, the district court stated it considered Zarate-Pimental's criminal record in its entirety and found that application of the habitual offender punishment was fair and just. Further, the district court found that the five prior convictions were not remote, trivial, or stale, and that they qualified under NRS 207.010. Finally, the district court stated it weighed the factors for and against habitual criminal adjudication, exercised its broad and individualized discretion, and found that habitual criminal adjudication served the purpose of the statute and interests of justice. We conclude the district court did not abuse its discretion, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Kathleen A. Sigurdson, District Judge
Washoe County District Attorney
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe District Court Clerk