


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRANDON CHRISTOPHER SMITH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87680-COA

FILED

OCT 09 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Brandon Christopher Smith appeals from a judgment of conviction, entered pursuant to a jury verdict, of three counts of sexual assault against a child under the age of 14 years and one count of lewdness with a child under the age of 14 years. Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

Smith argues the district court abused its discretion by running his sentences consecutively. Specifically, he argues the district court failed to consider his long history of gainful employment and of providing for his family and that consecutive sentences do not serve the district court's stated goal of specific deterrence given his age.

It is within the district court's discretion to impose consecutive sentences. *See* NRS 176.035(1); *Pitmon v. State*, 131 Nev. 123, 128-29, 352 P.3d 655, 659 (Ct. App. 2015); *see also Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) ("The sentencing judge has wide discretion in

imposing a sentence . . .”). 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).

Smith received three consecutive prison sentences of 35 years to life for the sexual assault charges and a consecutive prison sentence of 10 years to life for the lewdness charge. The sentences imposed are within the parameters provided by the relevant statutes. See NRS 200.366(3)(c); NRS 201.230(2). And Smith does not allege that the district court relied on impalpable or highly suspect evidence. Further, the fact that a district court does not recite certain mitigating evidence when imposing its sentencing decision does not, in itself, demonstrate the court failed to consider that evidence. See *Campbell v. Eighth Jud. Dist. Ct.*, 114 Nev. 410, 414, 957 P.2d 1141, 1143 (1998) (holding a district court is not required to articulate its reasons for imposing a sentence). Thus, Smith fails to demonstrate the district court did not consider mitigating evidence.

The record indicates the district court properly considered the purposes to be served by sentencing, including specific deterrence, and that it imposed its sentencing decision because it determined Smith was

“incredibly dangerous” and it wanted to “protect [the victim] and persons like [the victim] from this ever happening again.” Having considered the sentence and the crime, we conclude the district court did not abuse its discretion in sentencing Smith. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Egan K. Walker, District Judge
Washoe County Alternate Public Defender
Marc Picker Law
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk