


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARQUEZ CLARK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88156-COA

FILED

DEC 16 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Marquez Clark appeals from a judgment of conviction, entered pursuant to a guilty plea, of sex trafficking of an adult. Second Judicial District Court, Washoe County; Lynne K. Jones, Chief Judge.

Clark argues the district court abused its discretion in adjudicating him a habitual criminal and imposing a sentence of 10 years to life in prison because: (1) only two of his prior felony convictions were violent and the remainder of his criminal history was largely related to drug addiction; (2) five of his prior felony convictions were remote, nonviolent, and trivial, (3) he was only 18 years old at the time of the 2004 felony convictions, and (4) he presented substantial mitigating evidence.

The district court has wide discretion in its sentencing decision, *see Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987), including the decision to adjudicate a defendant a habitual criminal, *see Clark v. State*, 109 Nev. 426, 428, 851 P.2d 426, 427 (1993). Generally, this court will not interfere with a sentence imposed by the district court that falls

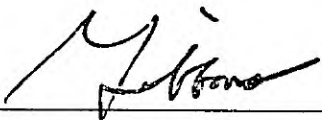
within the parameters of relevant sentencing statutes “[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence.” *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976); see *Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998).

The record reveals the district court understood its sentencing authority and properly exercised its discretion to adjudicate Clark a habitual criminal. See *Hughes v. State*, 116 Nev. 327, 333, 996 P.2d 890, 893-94 (2000) (“[A]s long as the record as a whole indicates that the sentencing court was not operating under a misconception of the law regarding the discretionary nature of a habitual criminal adjudication and that the court exercised its discretion, the sentencing court has met its obligation under Nevada law.”); 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; instead, these are considerations within the discretion of the district court.”). In addition, the sentence imposed is within the parameters provided by the relevant statute, see NRS 207.010(1)(b)(2), and Clark does not allege that the district court relied on impalpable or highly suspect evidence. Finally, the district court stated it considered the mitigating evidence Clark filed before the sentencing hearing, and it listened to additional mitigating evidence and argument from the parties prior to imposing sentence. Having considered the sentence and the crime, we conclude the district court did not abuse its

discretion in adjudicating Clark a habitual criminal or in sentencing Clark.

Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Lynne K. Jones, Chief Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk