

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALFRED THOMAS ADAMS, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88718-COA

FILED

MAR 24 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Alfred Thomas Adams, Jr., appeals from a judgment of conviction, entered pursuant to a guilty plea, of battery which constitutes domestic violence with a prior felony conviction for domestic battery. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

Adams argues the district court abused its discretion at the sentencing hearing by indicating, before it had heard any evidence, that it was not inclined to follow the negotiations and by imposing a 6-to-15-year term of imprisonment—the maximum sentence under the statute.

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). The “remarks of a judge made in the context of a court proceeding are not considered indicative of improper bias or prejudice unless they show that the judge has closed his or her mind to the presentation of all the evidence.” *Cameron*, 114 Nev. at 1283, 968 P.2d at 1171. When an appellant fails to object to alleged error, we review for plain error affecting the appellant’s substantial rights. *Green v. State*, 119 Nev. 542, 545, 80 P.3d 93, 95 (2003); see also *Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (2018).

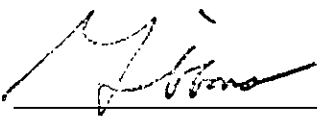
Adams did not object to the district court’s statement opening the sentencing hearing. Although the district court expressed it was not inclined to follow the plea agreement, the record does not demonstrate it closed its mind to the presentation of all the evidence. Instead, the record clearly indicates the sentiment was prompted by the facts of the offense and Adams’ refusal to participate in the sentencing process. The court then heard the argument for leniency before imposing the sentence. Based on this record, we conclude the district court “remain[ed] open-minded enough to refrain from finally deciding [Adams’ sentence] until all of the evidence ha[d] been presented.” *Cameron*, 114 Nev. at 1283, 968 P.2d at 1171 (quotation marks omitted). Thus, Adams fails to demonstrate that the district court’s statement constituted plain error.


As to Adams’ argument that the district court abused its discretion by imposing the maximum sentence, the sentence imposed is within the parameters provided by NRS 200.485(3), and Adams does not allege the district court relied on impalpable or highly suspect evidence.

Having considered the sentence and the crime, we conclude the district court did not abuse its discretion in imposing Adams' sentence, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Scott N. Freeman, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk