IN THE SUPREME COURT OF THE STATE OF NEVADA

SHAILA CAMILA HERNANDEZ-RIVAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88361

FILED
MAY 15 2025
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of challenge to fight resulting in death. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge. Appellant Shaila Hernandez-Rivas raises two contentions on appeal.

First, Hernandez-Rivas argues the district court lacked jurisdiction because her mental age precluded certification as an adult. *See Barber v. State*, 131 Nev. 1065, 1069, 363 P.3d 459, 462 (2015) ("[J]urisdictional issues can be raised at any time."). "Subject matter jurisdiction is a question of law, which we review de novo." *Zalyaul v. State*, 138 Nev. 760, 762, 520 P.3d 345, 347 (2022). A child may be certified for criminal proceedings as an adult if they are charged with murder or attempted murder and were 13 years of age or older when the act was committed or if they are charged with an offense that would have been a felony if committed by an adult, other than murder or attempted murder, and are 14 years of age or older. NRS 62B.390(1)(a)-(b).

Hernandez-Rivas waived a hearing on adult certification and stipulated to certification and transferring the matter to district court.

Hernandez-Rivas now argues that although she was 14 years old when the fight occurred, she had a mental age of 11 years old and thus could not be certified as an adult. We conclude Hernandez-Rivas' argument that the age requirement should be based on mental age rather than chronological age is unavailing. There is no indication that the Legislature meant for age to be interpreted as anything other than its ordinary meaning, i.e., chronological age. *See S. Nev. Homebuilders Ass'n v. Clark Cnty.*, 121 Nev. 446, 449, 117 P.3d 171, 173 (2005) ("When interpreting a statute, this court must give its terms their plain meaning."); *see also, e.g., United States v. Marshall*, 736 F.3d 492, 499 (6th Cir. 2013) ("Using chronological age as the touchstone for determining whether an individual is a juvenile or an adult is the standard approach in our legal system."). Accordingly, we have interpreted age chronologically for the purposes of juvenile jurisdiction. *See, e.g., State v. Ninth Jud. Dist. Ct. (Alejandro C.)*, 105 Nev. 644, 644-48, 781 P.2d 776, 777-79 (1989) (basing the age determination on the minor's birthday). As Hernandez-Rivas was chronologically 14 years old and was certified for criminal proceedings as an adult based upon the stipulation, the district court had jurisdiction over the case. *See* NRS 62B.390(3)(a) (providing that "[t]he court to which the case has been transferred has original jurisdiction over the child").

Second, Hernandez-Rivas argues that the district court erred by declining to reduce the mandatory minimum sentence under NRS 176.017(2). The district court sentenced Hernandez-Rivas to a prison term of 20 to 50 years. Pursuant to NRS 176.017(2), "the court *may, in its discretion*, reduce any mandatory minimum period of incarceration that the person is required to serve by not more than 35 percent if the court

determines that such a reduction is warranted given the age of the person and his or her prospects for rehabilitation." (Emphasis added.)

The district court heard extensive testimony at the sentencing hearing on Hernandez-Rivas' age, how age impacts culpability, and Hernandez-Rivas' prospects for rehabilitation. The district court explicitly stated that it considered the differences between juvenile and adult offenders in arriving at the sentence imposed. Other than the severity of the sentence imposed, Hernandez-Rivas points to nothing in the record indicating that the district court did not consider the mitigating evidence presented. And although it may be better practice for the district court to articulate findings regarding its consideration of mitigating factors under NRS 176.017, nothing in Nevada law requires the district court to state why it declined to reduce the minimum sentence. We, therefore, conclude the district court did not abuse its discretion. *See Randell v. State*, 109 Nev. 5, 8, 846 P.2d 278, 280 (1993) ("A sentencing judge is allowed wide discretion in imposing a sentence; absent an abuse of discretion, the district court's determination will not be disturbed on appeal.").

Hernandez-Rivas also argues the sentence constitutes cruel and unusual punishment based on age and the chances of rehabilitation. The district court's sentence was within the statutory limits and is not so unreasonably disproportionate to the offense as to shock the conscience. *See* NRS 200.450(3) (providing that a conviction of challenge to fight causing death shall be punished as first-degree murder); NRS 200.030(4) (providing the penalties for first-degree murder); *Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) ("A sentence within the statutory limits is not cruel and unusual punishment unless . . . the sentence is so unreasonably disproportionate to the offense as to shock the conscience." (internal

quotation marks omitted)). And to the extent Hernandez-Rivas argues that the sentence is unconstitutional under a categorical ban, Hernandez-Rivas fails to explain how the sentence falls into any recognized categorical ban. Thus, Hernandez-Rivas' sentence is not cruel or unusual, and the district court acted within its discretion. *See Martinez v. State*, 114 Nev. 735, 737-38, 961 P.2d 143, 145 (1998) (recognizing that sentencing courts have wide discretion in imposing sentence). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

_____, C.J.
Herndon

_____, J.
Parraguirre

_____, J.
Stiglich

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