

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RENE RAMIREZ-SOTO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89486-COA

FILED

AUG 21 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabeth A. Brown*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Rene Ramirez-Soto appeals from a judgment of conviction, entered pursuant to a guilty plea, of felony coercion. First Judicial District Court, Carson City; William A. Maddox, Senior Judge.

Ramirez-Soto contends the district court erred in concluding the offense was sexually motivated. He asserts that, given the changes to the victims' accounts of abuse over the course of the investigation, the State did not prove the offense was sexually motivated beyond a reasonable doubt.

When a person is convicted of coercion, the district court must, upon the request of the prosecuting attorney, "conduct a separate hearing to determine whether the offense was sexually motivated." NRS 207.193(1). "[A]n offense is 'sexually motivated' if one of the purposes for which the person committed the offense was his or her sexual gratification." NRS 207.193(6). At such a hearing, the State bears the burden of proving that the offense was sexually motivated beyond a reasonable doubt. NRS 207.193(3).

As part of his plea agreement, Ramirez-Soto agreed to plead guilty to the facts as alleged in the information. The information alleged Ramirez-Soto grabbed one victim by the thighs, spread her legs, and pulled

her toward him. In another incident, as another victim was getting into bed, Ramirez-Soto rubbed her inner and outer thighs and upper and lower torso. The information further alleged Ramirez-Soto kissed her on the lips and attempted to insert his tongue into her mouth. During the hearing the district court conducted pursuant to NRS 207.193, the court also heard testimony from the victims, who described the sexual nature of the contact. While the record suggests that the victims' accounts became more detailed over the course of the investigation, the district court, as the finder of fact, was in the best position to assess the credibility of the witnesses and there is no indication from the record that its conclusion was clearly wrong. *See Mitchell v. State*, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008) ("This court will not reweigh the evidence or evaluate the credibility of witnesses because that is the responsibility of the trier of fact."). After viewing the charges to which Ramirez-Soto pleaded guilty and the evidence presented at the hearing in the light most favorable to the State, we conclude that the district court's conclusion is supported by substantial evidence. *Cf. McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 574 (1992) (declining to disturb a factual finding made beyond a reasonable doubt where it is supported by substantial evidence).

Ramirez-Soto also contends the district court abused its discretion at sentencing by relying on impalpable and highly suspect evidence related to other act evidence referenced during victim impact testimony, failing to consider mitigating evidence, and imposing a term of imprisonment instead of probation. He also contends the sentence violates the Eighth Amendment's prohibition against cruel and unusual punishment.

In this matter, the granting of probation was discretionary. See NRS 176A.100(1)(c); *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) (“The sentencing judge has wide discretion in imposing 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). Regardless of its severity, “[a] sentence within the statutory limits is not ‘cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience.’” *Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting *Culverson v. State*, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)); see also *Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion) (explaining the Eighth Amendment does not require strict proportionality between crime and sentence; it forbids only an extreme sentence that is grossly disproportionate to the crime).

Ramirez-Soto’s 18-to-45-month prison sentence is within the parameters provided by NRS 207.190(2)(a) and is not disproportionate to the gravity of the offense—forcibly touching two young victims for his sexual gratification—as to shock the conscience. He does not otherwise contend that NRS 207.190 is unconstitutional. Although victim-impact witnesses made vague allegations to other acts, the record does not suggest that the district court relied on those allegations in imposing sentence. Furthermore, the record indicates that the district court listened to the

arguments of the parties and expressly stated it reviewed the presentence investigation report and Ramirez-Soto's mitigation information. In light of the foregoing, we conclude Ramirez-Soto does not demonstrate the district court relied solely on impalpable or highly suspect evidence when imposing his sentence. See *Randell v. State*, 109 Nev. 5, 8, 846 P.2d 278, 280 (1993) ("The district court is capable of listening to the victim's feelings without being subjected to an overwhelming influence by the victim in making its sentencing decision."). Thus, having considered the crime and sentence imposed, we conclude Ramirez-Soto's sentence does not constitute cruel and unusual punishment and the district court did not abuse its discretion by declining to suspend the sentence and impose probation.

For the foregoing reasons, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: First Judicial District Court, Dept. 2
Hon. William A. Maddox, Senior Judge
Karla K. Butko
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk