

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSHUA EARL HOOTEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89377-COA

FILED

AUG 21 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY SM Jones
DEPUTY CLERK

ORDER OF AFFIRMANCE

Joshua Earl Hooten appeals from a judgment of conviction, entered pursuant to a guilty plea, of own or possess a firearm by a prohibited person and grand larceny of motor vehicle, first offense. Second Judicial District Court, Washoe County; Tammy Riggs, Judge.

Hooten argues the district court abused its discretion by adjudicating him a habitual criminal because (1) four of his five prior convictions were “non-violent,” and (2) his 2006 and the 2007 convictions were remote in time. The district court has broad discretion to dismiss a count of habitual criminality. *See* NRS 207.010(3); *O’Neill v. State*, 123 Nev. 9, 12, 153 P.3d 38, 40 (2007). “The court *may* dismiss a count under NRS 207.010 when the prior offenses are stale or trivial, or in other circumstances where an adjudication of habitual criminality would not serve the purposes of the statute or the interest of justice.” *LaChance v. State*, 130 Nev. 263, 276, 321 P.3d 919, 929 (2014) (emphasis added and internal quotation marks omitted). However, “NRS 207.010 makes no special allowance for non-violent crimes or for the remoteness of convictions.” *Arajakis v. State*, 108 Nev. 976, 983, 843 P.2d 800, 805 (1992).

The record here demonstrates that the district court considered Hooten's five prior felony convictions, understood that habitual criminal adjudication was discretionary, and declined to dismiss the habitual criminal count. Given this record, we conclude the district court did not abuse its discretion by adjudicating Hooten a habitual criminal. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Tammy Riggs, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk