

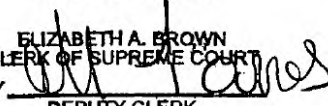
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LUISA MARIELA CARDONA-VALLE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89851-COA

FILED

AUG 28 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Luisa Mariela Cardona-Valle appeals from a judgment of conviction, entered pursuant to a guilty plea, of trafficking in a schedule I or II controlled substance, 100 grams or more. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

Cardona-Valle argues the district court abused its discretion at sentencing by considering irrelevant and unduly prejudicial evidence. Cardona-Valle contends that, given the substantial mitigation evidence she presented, the district court would have imposed a lesser sentence but for the evidence it improperly considered. 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). “Few limitations are imposed on a judge’s right to consider evidence in imposing a

25-37809

sentence” *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996). The district court may “consider a wide, largely unlimited variety of information to insure that the punishment fits not only the crime, but also the individual defendant.” *Martinez v. State*, 114 Nev. 735, 738, 961 P.2d 143, 145 (1998); *see also* NRS 176.015(6).

Cardona-Valle’s 8-to-20-year prison sentence is within the parameters provided by the relevant statute. *See* NRS 453.3385(1)(a). Prior to imposing sentencing, the district court heard argument from the parties, including Cardona-Valle’s mitigation argument. Cardona-Valle informed the district court of her difficult background as an immigrant from Honduras, her youth, and her lack of education. The record does not indicate the district court failed to consider these mitigating circumstances.

Cardona-Valle contends the district court improperly considered two documents: a declaration from a financial investigator working as a contractor for the Drug Enforcement Administration; and a drug threat assessment recounting drug-related deaths in Washoe County from 2018 to 2023. Cardona-Valle does not challenge the facts contained in the documents but instead argues that they are not relevant to the facts of her case and that she was unduly prejudiced by them. Because Cardona-Valle did not clearly object to the admission of these documents below, we review for plain error.¹ *See Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48-49 (2018). To demonstrate plain error, an appellant must show there

¹When asked by the district court if she objected to these documents, Cardona-Valle argued the court must hold an evidentiary hearing prior to their admission but “the Court can certainly consider, you know, everything that the State is presenting to the Court.” She later stated she did not have any reason to doubt the veracity of the documents.

was an error, the error was plain or clear, and the error affected appellant's substantial rights. *Id.* at 50, 412 P.3d at 48.

Both the declaration and the drug threat assessment were attached as exhibits to the State's sentencing memorandum. The declaration recounted how drug smugglers use wire transfer services to transfer drug money, often in small amounts, from the United States to countries in South and Central America. The memorandum stated that during a search of Cardona-Valle's purse following a traffic stop of the vehicle Cardona-Valle was a passenger in, officers found an Intermex money transfer receipt showing that she transferred money from Oregon to Honduras. The State argued that additional Intermex records indicated that Cardona-Valle "had been regularly transferring money in this manner from May 24, 2022, to January 20, 2024, just prior to her arrest in this case." Both the transfer receipt and the Intermex records were also attached to the State's memorandum as exhibits.

The drug threat assessment was based on data provided by the Washoe County Regional Medical Examiner's Office and recounted the number of deaths attributed to fentanyl and methamphetamine from 2018 to 2023. The sentencing memorandum alleged that law enforcement officers found 9.46 pounds of fentanyl and 1.5 pounds of methamphetamine in the vehicle. In its sentencing argument, the State highlighted the dangers of both methamphetamine and fentanyl to the community by arguing that in Washoe County in 2023, methamphetamine was involved in 223 deaths and fentanyl was involved in 183 deaths. The State also argued that the amount of fentanyl seized in this case was the equivalent of approximately 2 million lethal doses.

Here, the information provided by the State at sentencing was relevant to the punishment it sought for Cardona-Valle based on the facts of the case and the potential impact her actions would have on the community. It was within the district court's sentencing discretion to consider this information. In light of these circumstances, we conclude Cardona-Valle fails to demonstrate the district court plainly erred by considering these documents. And having considered the sentence and crime, we conclude the district court did not abuse its discretion in sentencing Cardona-Valle. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

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