

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DASHAWN HARRIS,  
Appellant.  
vs.  
THE STATE OF NEVADA.  
Respondent.

No. 90153-COA

**FILED**

**SEP 16 2025**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *Melissa [Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Dashawn Harris appeals from a judgment of conviction, entered pursuant to a guilty plea, of residential burglary. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

Harris argues the district court abused its discretion at sentencing by imposing a prison term rather than placing him on probation. Harris argues he presented significant mitigation evidence: his difficult upbringing, his lack of criminal history, his compliance with pretrial services, and the nonviolent nature of the crime. Further, Harris argues the district court did not make a record as to why it imposed a prison term and did not remark that it had considered and reviewed the mitigation evidence. Harris argues it can only “be inferred that, like the State, the district court treated this like a strict liability crime that mandates a prison sentence.”

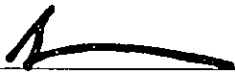
The granting of probation in this case was discretionary. *See* NRS 176A.100(1)(c); *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) (“The sentencing judge has wide discretion in imposing a sentence . . .”). Generally, this court will not interfere with a sentence imposed by the district court that falls within the parameters of relevant

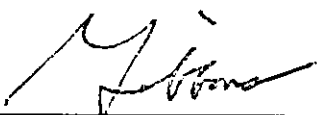
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sentencing statutes "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence." *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976); see *Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998).

Harris's sentence of 12 to 48 months is within the parameters provided by the relevant statute, see NRS 205.060(2)(d), and Harris does not allege that the district court relied on impalpable or highly suspect evidence. The district court was not required to make a record as to why it was imposing a particular sentence. See *Campbell v. Eighth Jud. Dist. Ct.*, 114 Nev. 410, 414, 957 P.2d 1141, 1143 (1998). And while the district court did not specifically state it had considered the mitigation evidence presented, the district court noted "each of the three defendants' sentences will be slightly different, as I strive to interact with each person individually and not use the single broad brush to paint an outcome." This demonstrates the district court considered Harris's circumstances. Finally, Harris fails to demonstrate that the district court believed that a prison term was mandated in this case. Accordingly, we conclude the district court did not abuse its discretion by declining to suspend the sentence and place Harris on probation. Therefore, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Bulla

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. David A. Hardy, District Judge  
Bradley Drendel & Jeanney  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk