

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MATTHEW CLAYTON EDWARDS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90718-COA

MATTHEW CLAYTON EDWARDS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90719-COA

FILED

NOV 12 2025

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

ORDER OF AFFIRMANCE

Matthew Clayton Edwards appeals from two judgments of conviction, both entered pursuant to guilty pleas. In district court case no. CR23-1016 (Docket No. 90718), Edwards was convicted of luring or attempting to lure a child with the use of computer technology to engage in sexual conduct; attempting to use or permit a minor, age 14 or older, to be the subject of a sexual portrayal in a performance; selling, transporting, giving, or attempting to sell, transport, give a schedule I or II controlled substance, second offense; and owning or possessing a firearm by a prohibited person. In district court case no. CR23-1590 (Docket No. 90719), Edwards was convicted of attempted sex trafficking of a child. Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

Edwards claims the district court abused its discretion by sentencing him to an aggregate term of 172 to 432 months in prison in district court case no. CR23-1016 because it considered impalpable and highly suspect evidence—prior acts contained in a victim impact statement

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which was filed in district court case no. CR23-1590 and read by the victim at the consolidated sentencing hearing. Similarly, Edwards claims the district court abused its discretion by sentencing him to 96 to 240 months in prison in district court case no. CR23-1590 based on the same prior acts described in the victim's impact statement.

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).

Because Edwards did not object to the victim's impact statement, he is not entitled to relief absent a demonstration of plain error. *See Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48-49 (2018). To demonstrate plain error, an appellant must show there was an error, the error is plain or clear under current law from a casual inspection of the record, and the error affected appellant's substantial rights. *Id.* at 50, 412 P.3d at 48.

At sentencing, a victim may present a statement that “[r]easonably express[es] any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.” NRS 176.015(3)(b). “‘Views’ on the defendant clearly encompass opinions as to the defendant's general character. Since an assessment of character usually turns in part on prior acts, this language permits some reasonable discussion of prior acts by the defendant.” *Buschauer v. State*, 106 Nev. 890, 893, 804 P.2d 1046, 1048 (1990). Where

an impact statement will refer to any prior acts by a defendant, due process requires "that the accuser be under oath, an opportunity for cross-examination and, perhaps most importantly, reasonable notice of the prior acts which the impact statement will contain." *Id.* at 894, 804 P.2d at 1048.

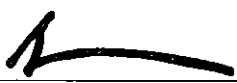
Here, Edwards was afforded the due process protections prescribed in *Buschauer*. The State filed the victim's impact statement in CR23-1590 prior to the consolidated sentencing hearing and filed a sentencing memorandum in both CR23-1016 and CR23-1590 which referenced prior acts described in the victim's impact statement. Edwards did not object to either the victim's impact statement or the State's sentencing memorandum prior to the sentencing hearing. The victim also read her impact statement at the sentencing hearing after being duly sworn in by the district court. Edwards did not object to the victim's impact statement at the hearing and declined the opportunity to cross-examine the victim. Edwards therefore has not demonstrated the district court plainly erred by considering the victim's impact statement.

Moreover, Edwards has not demonstrated that the district court plainly erred by relying on impalpable or highly suspect evidence in the form of the victim's impact statement when imposing sentence in CR23-1016. While the district court noted in sentencing Edwards in CR23-1016 that the victim in CR23-1590 described Edwards' use of firearms in "very violent, controlling circumstances," the record demonstrates the district court was primarily concerned that less than four months after being discharged from parole in another felony criminal matter, Edwards "had three guns, at least three different controlled substances, and was engaging in sexual misconduct in this community," conduct which "more than anything else speaks to his danger to the community." Likewise, Edwards has not demonstrated the district court plainly erred by relying on impalpable or highly suspect evidence in sentencing Edwards in CR23-

1590. In addition to the acts alleged in the victim's impact statement and the State's sentencing memorandum, the presentence investigation report (PSI) noted that the victim "described multiple occasions where [Edwards] would physically beat her." Although the PSI was not as specific as the victim's impact statement, it included multiple, unobjected-to facts regarding Edwards' violent conduct toward the victim and his sexual predations.

Finally, our review of the record demonstrates that the sentences imposed in CR23-1016 are within the parameters provided by the relevant statutes. *See* NRS 193.153(1)(a)(1); NRS 200.710(2); NRS 200.750(1); 201.560(4)(a); NRS 202.360(1); NRS 453.321(2)(b). Likewise, the sentence imposed in CR23-1590 is within the parameters provided by the relevant statutes. *See* NRS 193.153(1)(a)(1); NRS 201.300(2)(b)(2)(II). Based on the foregoing, we conclude the district court did not abuse its discretion in sentencing Edwards. Accordingly, we

ORDER the judgments of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Egan K. Walker, District Judge
Attorney General/Carson City
Washoe County District Attorney
Washoe County Public Defender
Washoe District Court Clerk