IN THE SUPREME COURT OF THE STATE OF NEVADA

PHILIP NELSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89884

FILED

NOV 20 2025

ELIZABETH A. BROWN
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ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of 10 counts of sexual assault on a child under the age of 14; 8 counts of lewdness by a person over the age of 18 with a child under the age of 14; and 18 counts of abuse, neglect, or endangerment of a child. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Appellant Philip Nelson raises four issues on appeal. First, Nelson contends there was insufficient evidence to support his convictions. "The relevant inquiry is 'whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.'" *Origel-Candido v. State*, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998) (quoting *Koza v. State*, 100 Nev. 245, 250, 681 P.2d 44, 47 (1984)).

In this case, the minor victim gave a detailed account of numerous incidents over the course of two years in which Nelson sexually touched the victim or forced the victim to perform oral sex on him. The victim recalled exact locations where the abuse took place, comments Nelson made, what clothes she and Nelson wore, gifts Nelson provided in exchange for sexual contact, and specific details of discrete incidents of the abuse with sufficient particularity to support Nelson's conviction on each charge. *See Mariscal-Ochoa v. State*, 140 Nev., Adv. Op. 42, 550 P.3d 813,

822 (2024) (observing that a victim's testimony is sufficient evidence to support a sexual assault conviction "so long as the victim testifies 'with *some* particularity regarding the incident'" (quoting *LaPierre v. State*, 108 Nev. 528, 531, 836 P.2d 56, 58 (1992))); NRS 200.366(1)(b) (defining sexual assault on a child); NRS 201.230(1) (defining lewdness); NRS 200.508 (defining abuse, neglect, or endangerment of a child). Although Nelson denied the allegations in his testimony, it is the function of the jury to assess which witnesses to credit. *See id.* Thus, we conclude no relief is warranted on this ground.

Next, Nelson argues that prospective jurors' comments during voir dire prejudiced the venire against him. The comments indicated individual veniremembers' potential bias due to their personal experiences. But the district court dismissed each of the veniremembers who expressed doubt about the presumption of innocence. At the end of voir dire, the district court instructed the jury that Nelson was presumed innocent and the State had to prove his guilt beyond a reasonable doubt through the evidence introduced at trial. We "generally presume[ ] that juries follow district court orders and instructions." *Summers v. State*, 122 Nev. 1326, 1333, 148 P.3d 778, 783 (2006). Moreover, Nelson made no motion to strike the venire nor did he request any further admonition. *Cf. Mariscal-Ochoa*, 140 Nev., Adv. Op. 42, 550 P.3d at 821 (refusing to consider the sufficiency of an unobjected-to admonition during voir dire). Thus, Nelson has not demonstrated plain error. *Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (2018) (noting this court will only review forfeited errors that are plain from the record and which affected the defendant's substantial rights).

Next, Nelson argues the sentence imposed constitutes cruel and unusual punishment in violation of the Eighth Amendment of the United

States Constitution, and Article 1, Section 6 of the Nevada Constitution. We disagree. 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) (internal quotation marks omitted). Nelson concedes the sentence is within the statutory limits for his crimes. *See* NRS 200.366(3)(c) (penalizing sexual assault on a child under 14 with 35 years to life in prison); NRS 201.230(2) (penalizing lewdness with a child under 14 with 10 years to life); NRS 200.508(1)(b)(1) (penalizing child abuse, neglect, or endangerment with 1 to 6 years); NRS 176.035 (allowing consecutive sentences). And Nelson does not challenge the constitutionality of those statutes. We also conclude, based on the severity of Nelson's conduct, that the sentence does not shock the conscience. *See Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009) (affirming a sentence of four consecutive life terms for four counts of sexual assault on a child). Therefore, we conclude Nelson has not demonstrated that the sentence constitutes cruel and unusual punishment.

Lastly, Nelson argues cumulative error warrants reversal. Because we discern no errors, there is nothing to cumulate. *See Belcher v. State*, 136 Nev. 261, 279, 464 P.3d 1013, 1031 (2020). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

_____, C.J.
Herndon

_____, J.
Bell

_____, J.
Stiglich

cc: District Judge, Eleventh Judicial District Court
Brock Law, Ltd.
Attorney General/Carson City
Mineral County District Attorney
Clerk of the Court/Court Administrator