

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOAO CARDOSO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89493

FILED

MAR 18 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of aggravated stalking and battery constituting domestic violence. Eighth Judicial District Court, Clark County; Tara D. Clark Newberry, Judge. Appellant Joao Cardoso raises two issues on appeal.

Cruel and unusual punishment

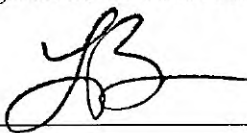
Cardoso claims the length of the sentence imposed for the aggravated stalking offense constitutes cruel and unusual punishment and that the district court ignored mitigating evidence. We disagree because Cardoso's sentence of 6 to 15 years' imprisonment is not above the statutory maximum, *see* NRS 200.575(3), or "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). Further, because Cardoso fails to identify, and the record fails to demonstrate, prejudice at sentencing, no relief is warranted on this ground. *Allred v. State*, 120 Nev. 410, 420, 92 P.3d 1246, 1253 (2004) ("We will refrain from interfering with the sentence imposed so long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts

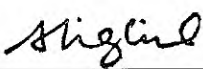
supported only by impalpable or highly suspect evidence.” (internal quotation marks omitted)).

Bail revocation

Cardoso also argues the district court erred in revoking bail and that the bail revocation caused prejudice at sentencing because he was forced to appear in custody. Because Cardoso is now incarcerated pursuant to the judgment of conviction, this issue is moot. *Newman v. State*, 132 Nev. 340, 344, 373 P.3d 855, 857 (2016), *as modified* (May 19, 2016) (“A case is moot if it seeks to determine an abstract question which does not rest upon existing facts or rights.” (internal quotation marks omitted)). Cardoso bore the burden of overcoming mootness yet failed to argue it, *Valdez-Jimenez v. Eighth Jud. Dist. Ct.*, 136 Nev. 155, 158, 460 P.3d 976, 982 (2020), and thus we decline to address the issue of Cardoso’s bail revocation. *State v. Viers*, 86 Nev. 385, 386, 469 P.2d 53, 54 (1970) (“The duty of this court, as of every other judicial tribunal, is to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions.” (quoting *Mills v. Green*, 159 U.S. 651, 653 (1895))). To the extent the continuing injury of Cardoso’s sentence renders the bail argument ripe, the record fails to demonstrate that Cardoso’s custodial status at sentencing caused prejudice. As a result, we decline to disturb Cardoso’s sentence on this basis. *Allred*, 120 Nev. at 420, 92 P.3d at 1253. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Bell


_____, J.
Stiglich


_____, J.
Cadish

cc: Hon. Tara D. Clark Newberry, District Judge
Attorney General/Carson City
Clark County District Attorney
Mueller & Associates
Eighth District Court Clerk