IN THE SUPREME COURT OF THE STATE OF NEVADA

JEREMY MARCEL CHATMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89011

FILED
APR 16 2026
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER AFFIRMING IN PART, VACATING IN PART AND REMANDING

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of domestic battery with the use of a deadly weapon causing substantial bodily harm, attempted murder with the use of a deadly weapon, and battery by a parolee with the use of a deadly weapon causing substantial bodily harm. Second Judicial District Court, Washoe County; Egan K. Walker, Judge. Appellant Jeremy Chatman lit a woman on fire as retaliation for her speaking to police. Chatman raises four issues.

The district court properly admitted other act evidence

Chatman contends the admission of other act evidence warrants reversal because it was unfairly prejudicial. We review a district court's decision to admit other act evidence for an abuse of discretion. *Dickey v. State*, 140 Nev. 8, 10-11, 540 P.3d 442, 447 (2024). Evidence of other crimes, wrongs, or acts is only admissible for limited purposes, including motive and intent. NRS 48.045(2). Even when evidence of other acts is relevant for a permissible purpose, it must not be admitted if its probative value is substantially outweighed by the danger of unfair prejudice. *Tavares v. State*, 117 Nev. 725, 731, 30 P.3d 1128, 1132 (2001).

Chatman was previously arrested and convicted for attempting to elude police in a vehicle. The victim in the instant case was Chatman's girlfriend and was with him in the vehicle when he attempted to elude police. The victim told police Chatman was driving and had borrowed the car from a friend. After Chatman was released on parole from the eluding police conviction, he accused the victim of "snitching" in October and November of 2021, before lighting the victim on fire in December.

The district court allowed the State to introduce evidence in the instant case that the victim had given a statement to police about Chatman in "an unrelated case" and that Chatman subsequently accused the victim of being a snitch. The district court also admitted a heavily redacted police report as part of a text from Chatman to another person in which Chatman accused the victim of snitching. This evidence was relevant to Chatman's motive and intent in attacking the victim because it tended to show that he was upset with the victim for talking to the police about him. The district court limited the evidence to refer only to an "unrelated case," and no evidence referenced Chatman's arrest or confinement. And the district court instructed the jury the evidence was only to be considered for the purposes of motive and intent. Thus, we conclude the limited prejudice of this evidence did not substantially outweigh its probative value, and the district court did not abuse its discretion by admitting it.

The district court did not abuse its discretion by admitting photos of the victim's injuries

Chatman argues the district court's admission of photos of the victim's injuries warrants reversal because of the photos' prejudicial effect. We review for an abuse of discretion. *Jones v. State*, 113 Nev. 454, 466-67, 937 P.2d 55, 63 (1997). Evidence is inadmissible if its probative value is substantially outweighed by the danger of unfair prejudice. NRS 48.035(1).

The photos of the victim's injuries had significant probative value because the State needed to prove the victim suffered substantial bodily harm. *See* NRS 200.481(2)(g)(2). Chatman argues he did not contest the severity of the victim's injuries, but nothing in the record demonstrates that Chatman offered to stipulate that the element of substantial bodily harm was met. And, by pleading not guilty, Chatman placed every element of the charged crimes at issue. *Sonner v. State*, 112 Nev. 1328, 1338-39, 930 P.2d 707, 714 (1996). Further, the attempted murder charge required the State to prove Chatman's intent to kill. *See* NRS 193.153 (defining attempt); NRS 200.010 (defining murder). The photos demonstrating the severity of the victim's injuries tended to show that Chatman's attack was intended to kill the victim.

The photos had some prejudicial effect, as does all evidence tending to convict. *Holmes v. State*, 129 Nev. 567, 575, 306 P.3d 415, 420 (2013). But we conclude the danger of unfair prejudice did not outweigh the probative value of the photos, especially considering the measures taken to reduce the photos' prejudicial effect. The State presented only three photos of the victim's injuries in combination with medical testimony. The district court warned the jury before the photos were introduced that the photos would be graphic and instructed the jury that the photos were not intended to inflame the jury's passions, but merely to prove the circumstances of the case. Based on the probative value of the photos, and the efforts to prevent unfair prejudice to Chatman, we conclude the district court did not abuse its discretion by admitting the photos.

Chatman may not be punished twice for the same battery under NRS 200.481 and NRS 200.485

Chatman asserts he may not be convicted of both domestic battery and battery by a parolee for the same act of lighting the victim on fire. Chatman failed to raise this argument below, so we review for plain error. *Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (2018) (explaining this court will only correct forfeited error when the error is clear from the record and affects the defendant's substantial rights). Whether multiple convictions may lay for the same act is a question of legislative intent with a constitutional overlay. *Jackson v. State*, 128 Nev. 598, 603, 291 P.3d 1274, 1277 (2012). We review de novo, beginning with the statutory text. *Id.* The ultimate question is whether the Legislature has authorized cumulative punishment for Chatman's single act of battery. *Id.* at 611, 291 P.3d at 1282. We conclude the Legislature has not authorized multiple punishments here.

NRS 200.481 defines the offense of battery and prescribes penalties depending on the victim, defendant, and nature of the battery. The plain language of NRS 200.485(1) provides various increased sentences for domestic battery "unless a higher penalty is provided pursuant to . . . NRS 200.481." This language indicates that NRS 200.485 "did not create a new crime." *English v. State*, 116 Nev. 828, 835, 9 P.3d 60, 64 (2000). Instead, NRS 200.485 moved increased penalties for domestic battery into its own statute, provided enhanced penalties for those with multiple domestic battery convictions, and allowed courts to require counseling for defendants. *English*, 116 Nev. at 835, 9 P.3d at 64. Because NRS 200.485 does not provide an independent crime of domestic battery, we conclude Chatman may only be punished once for the single act of battery. Chatman was given consecutive sentences for domestic battery

and battery by a parolee, so the dual conviction affected Chatman's substantial rights.

Battery by a parolee with use of a deadly weapon causing substantial bodily harm carries a sentence of 2 to 15 years' imprisonment. NRS 200.481(2)(g)(2) (2021). The penalty for domestic battery with use of a deadly weapon causing substantial bodily harm is also 2 to 15 years, because while no provision of NRS 200.485 provides a penalty for battery with the use of a deadly weapon causing substantial bodily harm, the penalties in NRS 200.485(1) only apply "[u]nless a greater penalty is provided pursuant to . . . NRS 200.481."[1] Under NRS 200.481(2)(g)(2) the applicable penalty is 2 to 15 years. Thus, the penalties are facially the same. But domestic battery carries additional collateral consequences that battery by a parolee does not, including increased sentences for subsequent crimes of domestic violence. We therefore vacate Chatman's sentence for battery by a parolee and remand for the district court to amend the judgment of conviction. Accordingly, we

ORDER the judgment of conviction AFFIRMED IN PART AND VACATED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.

_____, J.
Bell

_____, J.
Stiglich

_____, J.
Cadish

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[1]Because NRS 200.485(1) refers to NRS 200.481 for penalties, and NRS 200.481(2)(g)(2) provides for a 2-to-15-year sentence for battery by a parolee with a deadly weapon causing substantial bodily harm, we reject Chatman's argument that the district court erred by imposing a 15-year sentence for domestic battery.

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