

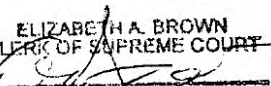
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ASHLEY ANN WINN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 90469-COA

FILED

APR 22 2026

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER VACATING SENTENCE AND REMANDING*

Ashley Ann Winn appeals pursuant to NRAP 4(c) from a judgment of conviction, entered pursuant to a jury verdict, of driving under the influence of an intoxicating liquor thereby causing the death of another, and driving under the influence of an intoxicating liquor thereby causing substantial bodily harm to another. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

Winn first claims the district court abused its discretion when it imposed the maximum sentences for her convictions because it premised its sentencing decision on the incorrect belief that Winn would receive good time credits to reduce her minimum sentence. 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).

The district court sentenced Winn to two consecutive prison terms of eight to twenty years, resulting in an aggregate prison sentence of sixteen to forty years. In explaining the rationale for its sentencing decision, the district court stated:

In our prison system, we're taught at our conferences every year, Judicial Conferences, by the Division of Parole and Probation and the prison people, that if we sentence somebody to four years in prison, they're probably going to do about two. If I sentence them to ten years in prison, they're going to do probably about five or six, because they get good time credits while they're in there. And I'm pretty confident [Winn] is going to behave and get good time credits when she's in there.

So[,] if I give her eight to 20 years on Count I for the death of [the victim], she's probably going to do about five or six years. . . .

Based on the evidence that was submitted in advance and the evidence I've heard through today's testimony, the trial evidence, and the totality of the circumstances; and based on the amount of time that you'll actually serve, I think it would be proper to have eight to 20 on each count, consecutive. That's 16 to 40 years. You're probably going to do about ten or 11. I can't promise that; I don't know. But I think ten or 11 years for the death and injury of people is an appropriate sentence.

We conclude this was an abuse of discretion. NRS 209.4465(8)(c)-(d) expressly provide that an offender convicted of a violation of NRS 484C.430 that is punishable as a felony or of a category B felony is not entitled to good time credit deductions from their minimum sentence


toward parole eligibility. Here, both of Winn's convictions under NRS 484C.430 are category B felonies. Winn is therefore ineligible for the application of good time credits toward her parole eligibility under the plain language of NRS 209.4465(8)(c)-(d). Hence, the district court abused its discretion because it relied on incorrect information gleaned from judicial conferences and other sources that Winn would be entitled to good time credits under NRS 209.4465. We further conclude the record demonstrates prejudice from the district court's consideration of this incorrect information, as it appears the district court would not have imposed the same aggregate prison sentence had it understood Winn is ineligible for good time credits pursuant to NRS 209.4465(8). Thus, remand for resentencing before a different judge is necessary. *See Brake v. State*, 113 Nev. 579, 584, 939 P.2d 1029, 1033 (1997) ("If the judge relies upon prejudicial matters, such reliance constitutes an abuse of discretion that necessitates a resentencing hearing before a different judge." (quotation and internal punctuation omitted)).


Second, Winn claims the district court exceeded its jurisdiction by ordering her to pay \$400 to Nye County for the preparation of the presentence investigation report (PSI). The State concedes this was error. Therefore, on remand for resentencing, the judgment of conviction should not include any provision requiring Winn to pay for the preparation of the PSI. Accordingly,<sup>1</sup> we


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<sup>1</sup>On appeal, Winn raises three additional claims that the district court abused its discretion in imposing sentence. In light of our disposition, we need not address Winn's other assignments of error.

VACATE Winn's sentence and ORDER this matter  
REMANDED to the district court for resentencing before a different judge.

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

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

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

cc: Hon. Robert W. Lane, District Judge  
The Law Office of Kristina Wildeveld & Associates  
Attorney General/Carson City  
Nye County District Attorney  
Nye County Clerk