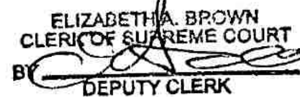
IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH WATKINS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90132



ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of attempted sex trafficking of a child, attempted abuse of a child involving sexual exploitation, and soliciting a child for prostitution. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

As part of the Reno Police Department's Human Exploitation and Trafficking Unit (HEAT), Detective Alexis Martinez created and operated a Facebook account posing as a 16-year-old girl named "Jaime." Between April 2022 and August 2022, appellant Keith Watkins sent multiple messages to Jaime, proposing sexual activity in exchange for money and a potential pimping arrangement. Watkins initially messaged Jaime in April, telling her that she looked familiar. Jaime responded, stating that she was 16 years old, to which Watkins replied that he thought she was older. Watkins asked for a "fully body pic," expressed that he wanted to "be[ ] taken advantage of by a younger girl," and sent her a video of him having sex with a woman. They then discussed meeting up for sex. In a later chat exchange, Jaime asked, "my age dont bug ya lol," and Watkins replied, "[w]e just gotta keep it our secret." Watkins repeatedly

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brought up his desire to have sex with Jaime and asked her if she was a prostitute.

After Jaime showed interest in prostitution, Watkins claimed he was a pimp and offered to help by providing protection and asked to see her posts advertising her services on commercial escort websites. A few days later, Watkins reinitiated the chat and asked if Jaime would have sex with him for $60. Watkins again brought up prostitution. He explained to her how to find dates, how to post her services, how to negotiate pricing, who to engage with, and how to lie about her age. Watkins addressed prostitution and meeting Jaime for sex several more times during the last two months of their online conversations. On the day of his arrest in August 2022, Watkins again offered Jaime $60 for sex and to let her use his truck for dates with other customers.

The State charged Watkins with attempted sex trafficking of a child (NRS 201.300(2)), attempted abuse of a child involving sexual exploitation (NRS 200.508(1)), and soliciting a child for prostitution (NRS 201.354(2)). On Detective Martinez's application and declaration of probable cause, the court issued a search warrant for Watkins's cell phone, allowing access to (1) phone numbers associated with Watkins's phone; (2) indicia of ownership and control of the phone, including enumerated categories of "personal identifying information;" (3) records and contents of Facebook conversations with Jaime; (4) evidence that the Lamont Watkins Facebook account belonged to Watkins; and (5) evidence that Watkins was present with or near Jaime after directing her to prostitution dates between April 15 and August 16, 2022. Law enforcement executed the warrant, and seized evidence it sought to use at trial.

Watkins moved to suppress the phone evidence under the Fourth Amendment and to dismiss the charges based on allegedly outrageous government conduct violative of the Fourteenth Amendment. Watkins also filed a motion challenging the constitutionality of NRS 201.354, the statute prohibiting the solicitation of a peace officer posing as a child. The district court denied the motions.

Detective Martinez testified at trial about her investigation of Watkins and her role in operating the Jaime profile. Watkins testified that he did not remember sending many of the messages because he was high on methamphetamine during that period. He further testified that he never intended to meet Jaime in person. Watkins admitted to having sexual conversations with other underage profiles during that same period, including with another fake profile named "Jenna." The jury convicted Watkins on all three counts. He appeals.

The government's conduct did not violate the Fourteenth Amendment

The denial of a motion to dismiss based on outrageous government conduct raises due process constitutional issues that we review de novo. *Martinez v. State*, 140 Nev., Adv. Op. 70, 558 P.3d 346, 354-55 (2024). We recently adopted the test from *United States v. Black*, 733 F.3d 294, 303 (9th Cir. 2013), which identified six factors for evaluating whether law enforcement's conduct in securing a conviction was "so outrageous as to violate the universal sense of justice," thus requiring dismissal. *Martinez*, 140 Nev., Adv. Op. 70, 558 P.3d at 355. These factors assess

> (1) known criminal characteristics of the defendants; (2) individualized suspicion of the defendants; (3) the government's role in creating the crime of conviction; (4) the government's encouragement of the defendants to commit the offense conduct; (5) the nature of the government's

> participation in the offense conduct; and (6) the nature of the crime being pursued and necessity for the actions taken in light of the nature of the criminal enterprise at issue.

Id. (quoting *Black*, 733 F.3d at 303). These factors do not create a "formalistic checklist," but "are instructive in evaluating outrageous government conduct under the totality of the circumstances." *Id.*

In *Martinez,* the same law enforcement sting operation at issue here created a profile on a well-known commercial sex website designed to mimic an underaged sex worker. *Id.* at 351. The sex worker's age was advertised as 21, but the defendant Martinez quickly learned in text messaging that her "real" age was 17. *Id.* at 355. He told the sex worker that he could "get in a lot of trouble" because of her age, and the conversation, initially, ended. *Id.* at 351. But a week later, defendant Martinez reinitiated the conversation about her availability for sex, to which the sex worker responded, "[a]s long as ur good with me being 17 yrs old." *Id.* The two discussed services and prices and arranged to meet at the sex worker's grandma's house, where defendant Martinez was arrested. *Id.* Applying the *Black* factors, the court concluded that under the totality of circumstances he failed to demonstrate outrageous government conduct that required dismissal of the charges against him. *Id.* at 356.

Watkins argues here that the district court erred by denying his motion to dismiss for outrageous government conduct because, unlike *Martinez*, law enforcement had no knowledge of him before the conversation with Jaime, and because Watkins contacted the Jaime profile through a social media application that was not established for the purpose of commercial sex transactions. He argues that Jaime's profile was created solely for this sting operation and that Detective Martinez encouraged him

to send Jaime the sex video and continue their conversations, despite his reluctance to meet with her.

As to the first factor—known criminal characteristics—the HEAT team did not have specific knowledge about Watkins when it created the Jaime profile. But, like in *Martinez*, it learned of Watkins's willingness to have sex with minors when he initiated the Facebook messenger conversation with Jaime. Though Watkins initially suggested he had crossed a line upon learning Jaime's age, he followed up by asking, "[s]o u like older men?" and proceeded to ask her for full body pictures, the age of "the oldest guy u ever been with," and whether she sneaks out to meet men. Eleven days after their initial conversation, Watkins asked about sex and sent her an unsolicited video of him having sex with an unknown woman. These facts are in line with *Martinez* where the defendant unilaterally reinitiated contact with the decoy even after learning she was 17 years old, such that the State then became aware of the defendant's willingness to solicit sex from a minor. 140 Nev., Adv. Op. 70, 558 P.3d at 355.

The individualized-suspicion factor likewise supports the State because "even when the government does not suspect a particular individual, [it] may focus on a category of persons it had reason to believe were involved in the type of illegal conduct being investigated." *Id.* at 355-56 (recognizing that although the State did not have suspicion of wrongdoing by defendant Martinez in particular, the State created the decoy profile on an adult escort website known for sex trafficking minors) (citation modified). Here, Detective Martinez testified that Facebook is commonly used to target children because the platform does not actively verify the age of its users, making it easier for children to use the site.

The government's role, the third *Black* factor, cuts both ways. The HEAT Team created Jaime's fake profile; however, Watkins messaged her profile first and then reinitiated the conversation on several occasions, continually steering the conversation to the topics of sex and prostitution. Addressing the same type of sting operation, *Martinez* recognized that "such creation of the opportunity to commit an offense, even to the point of supplying defendants with materials essential to commit crimes, does not exceed due process limits." *Id.* at 356 (quoting *United States v. Bout*, 731 F.3d 233, 238 (2d Cir. 2013)).

As to the government-encouragement factor, the Jaime profile provided slight encouragement in some of their conversations. But "mere encouragement" is "of lesser concern than pressure or coercion." *Black*, 733 F.3d at 308. Any suggestion of pressure or coercion is undermined by the messages showing that it was Watkins who repeatedly reinitiated contact with Jaime, solicited Jaime for sex, and proposed acting as her pimp without any prompting from the Jaime profile. Though Watkins expressed hesitation about meeting in person, those concerns were about Jaime potentially working with law enforcement—not about having sex with a minor—which mirrors *Martinez*. *See* 140 Nev., Adv. Op. 70, 558 P.3d at 356 (concluding that the defendant's argument that the State encouraged his crime failed where his reluctance was not related to concern for the decoy's minority age but for the consequences of getting caught).

Martinez also recognized that reverse sting operations by their very nature require government participation. *Id.* Aside from the creation of the sting operation and a generic-looking Facebook profile, however, law enforcement did not participate substantially because Watkins initiated almost every conversation. As to the nature-of-the-crime factor, the HEAT

team's reverse sting operation addresses serious issues related to sex trafficking of minors, "which definitively favors the State." *Id.* We therefore conclude that the district court did not err by denying Watkins's motion to dismiss based on outrageous government conduct.

The district court properly denied the motion to suppress

"Suppression issues present mixed questions of law and fact. This court reviews findings of fact for clear error, but the legal consequences of those facts involve questions of law that [it] review[s] de novo." *State v. Beckman*, 129 Nev. 481, 485-86, 305 P.3d 912, 916 (2013) (internal citations omitted). The Fourth Amendment requires that search warrants be specific and supported by probable cause, which encompass both particularity and breadth requirements. *Acosta v. State*, 141 Nev., Adv. Op. 40, 573 P.3d 1258, 1265-66 (2025); *United States v. Towne*, 997 F.2d 537, 544 (9th Cir. 1993). The particularity component requires that a warrant must state clearly what is sought in order to prevent an "exploratory rummaging in a person's belongings," arising in the context of an unconstitutional general warrant. *Andresen v. Maryland*, 427 U.S. 463, 480 (1976); *Acosta*, 141 Nev., Adv. Op. 40, 573 P.3d at 1266 ("The particularity requirement demands that a warrant must state with particularity the place, person, and thing to be searched or seized." (citation modified)).

The breadth component requires that the scope of the warrant be limited by the probable cause on which the warrant is based. *Towne*, 997 F.2d at 544; *Acosta*, 573 P.3d at 1266. Even if a warrant is not so constitutionally infirm as to be a general warrant, it may nonetheless fail the breadth requirement if it allows law enforcement to search in a specified place or for specified items more broadly than the articulated probable cause. *United States v. Yusuf*, 461 F.3d 374, 393 n.19 (3d Cir. 2006);

Terreros v. State, 312 A.3d 651, 663 (Del. 2024). We have cautioned that "[c]ourts should exercise greater vigilance in protecting against the danger that the process of identifying seizable electronic evidence could become a vehicle for the government to gain access to a larger pool of data that it has no probable cause to collect." *Acosta*, 141 Nev., Adv. Op. 40, 573 P.3d at 1266-67 (citation modified).

The warrant in this case was not a general warrant

Watkins argues that the search warrant was an unconstitutional general warrant thus failing the particularity requirement because the warrant authorized law enforcement to search for "indicia of ownership and control" and "personal identifying information" on his phone. Watkins contends that this broad language allowed for an exploratory rummaging of his phone that violates the Fourth Amendment.

Watkins relies on *Terreros*, where a defendant was charged with sexually assaulting his girlfriend's child and the Delaware Supreme Court reviewed whether a motion to suppress cellphone evidence was properly denied. 312 A.3d at 656-60. After the child reported the abuse, the girlfriend looked at the defendant's internet search history on his phone and found searches for "what time does it take for the markers or traces in saliva to be erased" and "how the rape of a female child is detected." *Id.* at 658. Law enforcement then obtained a search warrant for "[a]ny and all messages, any and all messaging apps, all search history, all photographs, videos, GPS coordinates, incoming and outgoing calls used or intended to be used for Rape 2nd by person of Authority." *Id.* at 657. The court determined that this warrant was an unconstitutional general warrant because "[a]lthough the warrant for Terreros's phone did not go so far as to authorize a search of 'any and all data,' that was, *in effect*, what the warrant permitted

law enforcement to extract and search." *Id.* at 667 (emphasis added). The court observed that the warrant contained no temporal limitations, despite law enforcement knowing a precise time frame for the crime, and the only nexus between Terreros's cell phone and the alleged rape was the girlfriend's report of Terreros's internet search history. *Id.* at 668, 670. Thus, the court concluded that "[t]his [was] the very exploratory rummaging that the founders intended to prohibit under the Fourth Amendment" and thus the evidence seized should have been suppressed. *Id.*

The warrant here listed several specific categories of data related to indicia of ownership and control, including "personal identifying information" appearing in certain areas of the phone, like "billing and payment information," "permissions," "account activity," "accounts," "emergency information," and "selfie-type photos." We acknowledge that these categories encompass a broad array of information beyond the messages exchanged on the applications used by Watkins to communicate with the Jaime profile. But unlike in *Terreros*, where the defendant's internet search history merely provided circumstantial evidence of the alleged sexual assault, Watkins's crimes of attempted sex trafficking, attempted abuse involving sexual exploitation, and solicitation of a child for prostitution, were committed entirely via Watkins's Facebook messenger app and phone. In addition, the warrant in *Terreros* authorized a search for various categories of information that were unrelated to the defendant's internet search history and did not share a nexus with the charged crime, unlike the indicia of ownership and control provision in this search warrant, which was needed to retrieve evidence showing that Watkins was the person who had been messaging with Jaime. *Cf. Acosta*, 141 Nev., Adv. Op.

40, 573 P.3d at 1267 (explaining that "some crimes, such as child pornography, or cybercrime offenses *may implicate electronics for digital storage reasons or have a nexus between the offense and computers or personal storage devices*" (emphasis added)). These distinctions justify law enforcement's search for indicia of ownership and control in areas beyond the specific applications Watkins used to message Jaime. *United States v. Spilotro*, 800 F.2d 959, 963 (9th Cir. 1986) (explaining that even generic categories of items will not be deemed invalid if a more specific description of an item is not possible). By specifying the crimes for which the evidence was sought and the categories of information that constitute personal identifying information, the warrant avoids an indiscriminate rummaging of all phone data. *U.S. v. Flores*, 802 F.3d 1028, 1045 (9th Cir. 2015). We therefore conclude that the warrant in this case was not an unconstitutional general warrant.[1]

The warrant in this case was not unconstitutionally overbroad

Relying on *Flores*, Watkins also contends that the warrant was unconstitutionally overbroad. Watkins claims that the warrant allowed law enforcement to search the entire contents of his phone, which exceeded the

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[1]Watkins also relies on *United States v. Holcomb*, 132 F.4th 1118 (9th Cir. 2025), an opinion that was withdrawn by the Ninth Circuit, *United States v. Holcomb*, 153 F.4th 965 (9th Cir., Sept. 11, 2025) (Order), and is therefore of limited persuasive value. There, the Ninth Circuit determined that the breadth of the "dominion and control" provision resulted in a general warrant because it "effectively allowed the Government to engage in the sort of exploratory rummaging" that the Fourth Amendment prohibits. *Holcomb*, 132 F.4th at 1129. But *Holcomb* recognized that evidence of dominion and control "was not at all relevant to the state's investigation" of the sexual assault. *Id.* at 1126. In contrast, dominion and control of Watkins's phone was critical to proving the State's case against Watkins, rendering *Holcomb* inapposite.

warrant's probable cause scope, pointing specifically to the search of Watkins's internet search history and Facebook conversations with the Jenna profile.

In *Flores*, a defendant charged with smuggling drugs appealed the denial of her motion to suppress evidence obtained from her Facebook profile. 802 F.3d at 1032-34. Following her arrest, the defendant made a jail phone call asking a family member to erase posts on her Facebook profile. *Id.* at 1033. Law enforcement then obtained a warrant authorizing a search of her Facebook profile to seize any evidence related to the charged crimes. *Id.* Flores argued that the warrant was unconstitutionally overbroad. *Id.* at 1044-46. The Ninth Circuit panel disagreed because the warrant only authorized the government to search Flores's individual Facebook account and seize evidence specifically related to the charged offenses, and the warrant established procedural safeguards for segregating responsive material from the rest of Flores's account. *Id.* at 1045-46. As to Flores's challenge that law enforcement exceeded the scope of the warrant when it seized 11,000 pages of data from her Facebook account, the court determined that the warrant authorized Facebook to turn over the entire contents of her profile to law enforcement. *Id.* at 1046. And, pursuant to the ESI procedures set forth in the warrant, law enforcement segregated 100 pages of responsive material into a separate file—after which the original copy of her account was sealed and inaccessible without a new warrant. *Id.* The court ultimately declined to consider whether the 100 pages seized were outside the scope of the warrant because the government had only planned to introduce two pages of messages at trial that were "well-within the scope of the warrant." *Id.*

As we explained, establishing that Watkins owned and controlled the cellphone during the relevant 2022 period was critical for proving the State's case because all three charged crimes occurred via communications on Watkins's phone. Thus, there was "a fair probability that evidence of criminal activity w[ould] be found" in the personal identifying information, billing and payment information, and the information appearing in the "To" and "From" fields of Watkins's messages. Watkins' messages with the Jenna profile likewise fell under the "indicia of ownership and control" category because they showed he was the sole user of the phone. That evidence also directly pertained to the crimes alleged, and tended to undermine Watkins's argument that he never intended to meet up with Jaime, as he had similar conversations with Jenna after learning she was 15 years old.[2]

Watkins argues that unlike the warrant in *Flores,* the warrant here authorized the government to seize evidence unrelated to the charged offense and failed to establish procedural safeguards for segregating responsive and unresponsive material. We disagree. Though the warrant in *Flores* was limited to searching only the defendant's Facebook account, that limitation was a function of the probable cause affidavit, which was

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[2]Watkins points to the fact that the phone was found in his possession when he was arrested, and Detective Martinez was able to verify that Watkins had been accessing the Facebook account by calling the phone through Facebook messenger and observing a call notification on Watkins's phone. But this court has held that ownership of a phone is insufficient to authenticate text messages; rather, "some additional evidence, which tends to corroborate the identity of the sender, is required." *Rodriguez v. State*, 128 Nev. 155, 161, 273 P.3d 845, 849 (2012) (citation modified). So Watkins's possession of the phone when arrested did not obviate the State's need for corroborating evidence—especially considering that Watkins denied talking to underage girls online at the time of his arrest.

based on the defendant's phone conversation with a family member specifically discussing her Facebook posts related to the charged crimes. In contrast, all three charged crimes in this case were perpetrated using Watkins's phone and Facebook messenger. To the extent law enforcement searched through unresponsive material on Watkins's phone, "[o]ver-seizing is an accepted reality in electronic searching because there is no way to be sure exactly what an electronic file contains without somehow examining its contents." *Flores*, 802 F.3d at 1044-45 (citation modified). This principle is also supported by Detective Martinez's declaration stating that electronic "files, documents, folders, or directories . . . may not give obvious clues about content." *See also U.S. v. Giberson*, 527 F.3d 882, 889 (9th Cir. 2008) (rejecting argument that law enforcement should have limited its search to only computer files likely to contain incriminating documents because such records are "extremely susceptible to tampering, hiding, or destruction." (citation modified)).

The substantive language of the warrant also limited what evidence could be seized, and Watkins has not shown that law enforcement used unresponsive phone data for any broader investigative purpose. *Cf. Flores*, 802 F.3d at 1045. Similar to *Flores*, the State admitted and primarily relied on the evidence of messages between Watkins and Jaime, which Watkins concedes detectives had probable cause to search and seize. *See id.* at 1045 (explaining that courts "have embraced the doctrine of severance, which allows us to strike from a warrant those portions that are invalid and preserve those portions that satisfy the Fourth Amendment"). Therefore, the warrant was not overbroad and the district court properly denied Watkins's motion to suppress.

NRS 210.354 makes solicitation for prostitution a general intent crime and is not unconstitutional

We review the constitutionality of a statute de novo. *Scott v. First Jud. Dist. Ct.*, 131 Nev. 1015, 1017-18, 363 P.3d 1159, 1161 (2015). Courts start with the "presumption that statutes are constitutional." *State v. Castaneda*, 126 Nev. 478, 481, 245 P.3d 550, 552 (2010) (citation modified).

NRS 201.354(1) provides that it is "unlawful for a customer to engage in prostitution or solicitation therefor, except in a licensed house of prostitution." Any person who solicits a child or "[a] peace officer who is posing as a child" is guilty of soliciting a child for prostitution. NRS 201.354(2). The crime of solicitation is complete once a person "offers, agrees, or arranges to provide sexual conduct for a fee," so long as the person had the general intent to commit the crime. *Glegola v. State*, 110 Nev. 344, 347-48, 871 P.2d 950, 952 (1994).

We decline Watkins's invitation to overturn *Glegola*. *Glegola* unequivocally held that NRS 201.354 is a general intent crime, consistent with other jurisdictions' solicitation statutes in that it requires the State to prove that the person knowingly solicited another to engage in sexual conduct, rather than proving that the person intended to follow through on that solicitation. *Id.* at 347, 871 P.2d at 952. While the 2019 amendments to this statute made it illegal to solicit a police officer posing as a child, they did not amend any language with respect to intent. Nor do the statements in the legislative history that Watkins cites support that the amendments were designed to add a specific intent element. *See* Hearing on S.B. 7, Before the Assemb. Jud. Comm., 80th Leg., at 14, 22 (Nev., April 30, 2019) (statement of Kyle E. George, Special Assistant Attorney General;

statement of Jessca Adair, Assistant Attorney General; and statement of Assemblyman Chris Edwards).

Watkins next argues that his conviction for soliciting a child for prostitution is invalid under the First Amendment because NRS 201.354 is overbroad both on its face and as applied to him. The district court held that Watkins failed to show that the statute burdens substantially more speech than necessary to further the State's legitimate interests in preventing illegal prostitution of children. We agree.

"The overbreadth doctrine permits the facial invalidation of laws that inhibit the exercise of First Amendment rights if the impermissible applications of the law are substantial when judged in relation to the statute's plainly legitimate sweep." *Ford v. State*, 127 Nev. 608, 612, 262 P.3d 1123, 1125 (2011) (citation modified). "Offers to engage in illegal transactions are categorically excluded from First Amendment protection," as "offers to give or receive what it is unlawful to possess have no social value and thus . . . enjoy no First Amendment protection." *U.S. v. Williams*, 553 U.S. 285, 297-98 (2008). Because solicitation of prostitution is illegal outside of a designated legal brothel, and solicitation of a child for prostitution is illegal, NRS 201.354 criminalizes offers to give money in exchange for unlawful sex with a minor and is not unconstitutionally overbroad. Watkins misreads *Ford* as requiring specific intent for all solicitation statutes; instead, *Ford* merely recognized in the context of an overbreadth challenge that, as written, NRS 201.300 (the pandering statute) required the specific intent of persuading a person to become or remain a prostitute and that reading the statute otherwise would result in

the statute prohibiting lawful speech.[3] 127 Nev. at 617-20, 262 P.3d at 1129-31. Watkins also ignores that *Ford* specifically recognized that "solicitations[ ] remain categorically outside [First Amendment] protection." *Id.* at 619, 262 P.3d at 1130 (internal quotation marks omitted). So, NRS 201.354 is not overbroad on its face.

Neither is it overbroad as applied to Watkins. He relies on *Silvar v. Eighth Jud. Dist. Ct.*, 122 Nev. 289, 129 P.3d 682 (2006), where we examined a county ordinance that criminalized loitering for the purposes of prostitution. We held that because the criminalized conduct "substantially envelop[ed] ordinary activities that may only be mere indicators of prostitution loitering," it chilled constitutionally protected conduct. *Id.* at 298-99, 129 P.3d at 688. Watkins contends that his actions similarly constitute protected speech "as they were simply communicative actions without the requisite intent." But unlike the loitering statute in *Silvar* that this court determined encompassed protected conduct, like "hailing a cab or a friend, chatting on a public street, or strolling aimlessly about," 122 Nev. at 298-99, 129 P.3d at 688, Watkins fails to show what specific protected conduct falls within NRS 201.354's scope. Therefore, Watkins's as-applied challenge also fails.

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[3]*Ford* acknowledged that NRS 201.300(1)'s language at that time prohibited a person from inducing, persuading, encouraging, inveigling, enticing, or compelling a person to become a prostitute or continue engaging in prostitution, but the statute failed to define those operative verbs. Though the court ascribed an ordinary meaning to those verbs, it determined that NRS 201.300(1) required specific intent to avoid criminalizing potentially innocent conduct that those verbs may encompass. 127 Nev. at 613-19, 262 P.3d at 1126-30. NRS 201.354, by contrast, does not criminalize potentially innocent conduct, notwithstanding that it is a general intent crime.

Last, Watkins argues that NRS 201.354 is unconstitutionally vague. He contends that the statute's language does not sufficiently demonstrate what conduct is criminalized, thereby giving law enforcement undue discretion in making arrests.

A statute is unconstitutionally vague if it "(1) fails to provide notice sufficient to enable persons of ordinary intelligence to understand what conduct is prohibited and (2) lacks specific standards, thereby encouraging, authorizing, or even failing to prevent arbitrary and discriminatory enforcement." *Id.* at 293, 129 P.3d at 685. The first test "deals with the person whose conduct is at issue, while the second deals with those who enforce the laws, such as police officers." *Pimentel v. State*, 133 Nev. 218, 222, 396 P.3d 759, 764 (2017). The district court correctly determined that NRS 201.354 is not unconstitutionally vague under either test from *Silvar*. NRS 201.354 makes clear that it is illegal to solicit for prostitution a child or law enforcement officer posing as a child. The statute is not so "unduly open-ended" as to prevent a person of ordinary intelligence from understanding what the statute prohibits. *Silvar*, 122 Nev. at 294, 129 P.3d at 685. Though Watkins claims he took no overt steps to follow through on the solicitation in this case, he misunderstands that it is the very act of soliciting that falls within the statute's ambit. NRS 201.354 differs considerably from the loitering statute in *Silvar* in this respect. As to the second *Silvar* test, Watkins likewise fails to present a compelling argument that the statute authorizes discriminatory enforcement. Law enforcement had no difficulty discerning when the criminal conduct occurred in this case, and the evidence adduced at trial shows that Watkins engaged in criminal conduct under NRS 201.354 when he offered to pay Jaime for sex on at least two occasions. Therefore, the district court

properly denied Watkins's motion challenging NRS 201.354's constitutionality. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

_______________, J.
Stiglich

_______________, J.
Cadish

_______________, J.
Lee

cc: Hon. David A. Hardy, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk