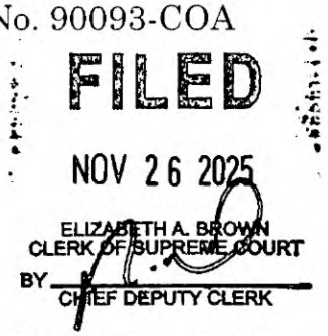
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ERIC SANJUAN-GUZMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90093-COA



ORDER AFFIRMING IN PART, REVERSING IN PART AND REMANDING

Eric Sanjuan-Guzman appeals from a judgment of conviction, entered pursuant to a guilty plea, of battery with the use of a deadly weapon resulting in substantial bodily harm. Eighth Judicial District Court, Clark County; Erika L. Mendoza, Judge.

Sanjuan-Guzman argues the district court abused its discretion at sentencing because it failed to consider the differences between juvenile and adult offenders as required by NRS 176.017(1) and failed to consider whether to reduce his sentence under NRS 176.017(2). 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).

Sanjuan-Guzman's sentence of 3 to 10 years in prison is within the parameters provided by the relevant statute, *see* 2023 Nev. Stat., ch.

373, § 14, at 2005-06, and Sanjuan-Guzman does not allege that the district court relied on impalpable or highly suspect evidence. Moreover, although NRS 176.017(1) requires the district court to "consider the differences between juvenile and adult offenders, including, without limitation, the diminished culpability of juveniles as compared to that of adults and the typical characteristics of youth" if the defendant is convicted as an adult for an offense committed as a juvenile, a district court is not required to address these factors on the record or indicate how they impacted the sentence.[1]

Nevertheless, the record indicates the district court considered Sanjuan-Guzman's youth in imposing his sentence. Sanjuan-Guzman argued in his sentencing memorandum and at the sentencing hearing that probation was warranted due to his youth and impaired impulse control. The district court explicitly stated that it had considered the sentencing memorandum and the arguments presented in determining its sentencing decision. Notably, the district court specifically recognized that "young people have . . . different impulse control issues that aren't the same as most adults," and that it was not "tak[ing] the decision to send someone, especially so young, to prison, lightly." Thus, Sanjuan-Guzman does not demonstrate the district court failed to consider these mitigating factors in imposing his sentence. Having considered the sentence and the crime, we

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[1]Similarly, a district court is not required to state why it declines to reduce a defendant's minimum sentence pursuant to NRS 176.017. *See* NRS 176.016(2) (stating a district court "may, in its discretion, reduce any mandatory minimum period of incarceration that the person is required to serve by not more than 35 percent if the court determines that such a reduction is warranted given the age of the person and his or her prospects for rehabilitation"); *see also Campbell v. Eighth Jud. Dist. Ct.*, 114 Nev. 410, 414, 957 P.2d 1141, 1143 (1998) (recognizing a district court need not articulate its reasons for imposing sentence unless required by statute).

conclude the district court did not abuse its discretion in sentencing Sanjuan-Guzman.

Sanjuan-Guzman also argues, and the State agrees, that the district court erred by failing to award him a total of 116 days' presentence credit. The parties contend the district court's award did not include credit for the time Sanjuan-Guzman was confined in a juvenile detention facility. The Nevada Supreme Court has held that such time should be credited toward a defendant's sentence pursuant to NRS 176.055. *See Jeremiah B. v. State*, 107 Nev. 924, 931, 823 P.2d 883, 887-88 (1991), *disapproved of on other grounds by In re William S.*, 122 Nev. 432, 442 n.23, 132 P.3d 1015, 1021 n.23 (2006). Therefore, we reverse that portion of the judgment, and we remand this matter to the district court so that it may enter an amended judgment of conviction reflecting the proper amount of presentence credit. Accordingly, we

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

_____, C.J.
Bulla

_____, J.
Gibbons

_____, J.
Westbrook

cc: Hon. Erika L. Mendoza, District Judge
Attorney General/Carson City
Clark County District Attorney
Clark County Public Defender
Eighth District Court Clerk