

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CORY SHAWN COCA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68502

FILED

MAR 16 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of sale of a controlled substance. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

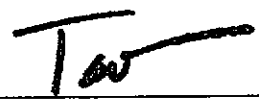
Appellant Cory Shawn Coca argues the district court abused its discretion at sentencing. Coca asserts he received a harsh sentence because the district court was biased against him due to Coca's previous appearances before that court. We review a district court's sentencing decision for abuse of discretion. *See Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). "Possession of the fullest information possible concerning a defendant's life and characteristics is essential to the sentencing judge's task of determining the type and extent of punishment." *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996). Moreover, "remarks of a judge made in the context of a court proceeding are not considered indicative of improper bias or prejudice unless they show that the judge has closed his or her mind to the presentation of all the evidence." *Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998).


Our review of the record reveals the district court did not exhibit improper judicial bias against Coca. The district court noted

Coca's issues with substance abuse and prior interactions with that court. The district court stated the prior interactions with the district court should have provided an opportunity for Coca to alter his behavior, but noted that Coca was still involved with drug use and sales. The district court further stated a diversion program or probation were not warranted given Coca's prior felony convictions. The district court then sentenced Coca to serve two to five years in prison, which was within the parameters of the relevant statute. See NRS 453.321(2)(b). Under these circumstances, Coca fails to demonstrate the district court had closed its mind to the presentation of the evidence at sentencing. See *Cameron*, 114 Nev. at 1283, 968 P.2d at 1171. Therefore, Coca fails to demonstrate he is entitled to relief, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Steve L. Dobrescu, District Judge
Dylan V. Frehner
Attorney General/Carson City
White Pine County District Attorney
White Pine County Clerk