

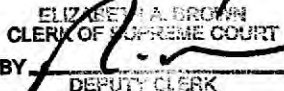
IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON ANDREW STRATTON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 78177

FILED

MAR 17 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of child abuse or neglect resulting in substantial bodily or mental harm.<sup>1</sup> Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

After accepting appellant Jason Stratton's guilty plea based on his admission to fracturing the arm and multiple ribs of a 5-month-old infant, the district court sentenced him to 96 to 240 months. Stratton argues the district court erred by sentencing him based, in part, on additional injuries the victim sustained, which were not part of his guilty plea. We disagree. This court reviews a district court's sentencing decision for an abuse of discretion, *see Parrish v. State*, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000), and will interfere only where the record shows "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).

Stratton's claim is belied by the record. The presentence investigation report synopsis brain injuries, among others, sustained by

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<sup>1</sup>Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this appeal.

the victim. The district court's comments on those injuries were in response to Stratton interjecting that he did not admit to causing them. The district court then imposed the sentence after specifying the injuries Stratton did admit to inflicting. Thus, the record does not show that the district court imposed a sentence intended to punish Stratton for uncharged conduct. Cf. *Denson v. State*, 112 Nev. 489, 494, 915 P.2d 284, 287 (1996) (holding that "the district court must refrain from punishing a defendant for prior uncharged crimes"). Moreover, Stratton's sentence falls within the parameters of the relevant statute, see NRS 200.508(1)(a)(2), and he has not demonstrated the district court relied on information based on impalpable or highly suspect evidence, see *Ferris v. State*, 100 Nev. 162, 163, 677 P.2d 1066, 1066 (1984). Therefore, we conclude the district court did not abuse its sentencing discretion. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Pickering

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

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Jerome M. Polaha, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk