

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL LUIS COTA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 77414-COA

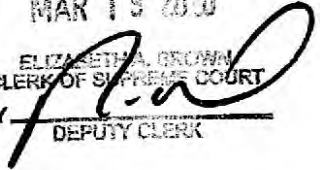
MICHAEL LUIS COTA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 77415-COA

**FILED**

MAR 19 2020

ELIZABETH A. GROWN  
CLERK OF SUPREME COURT

BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

These are Michael Luis Cota's consolidated appeals from two judgments of conviction. Cota was convicted pursuant to guilty pleas of battery by a prisoner in custody in district court case number 18-CR-0116 (Docket No. 77414-COA) and principal to grand larceny of a firearm in district court case number 18-CR-0084 (Docket No. 77415-COA). Ninth Judicial District Court, Douglas County; Thomas W. Gregory, Judge.

Cota claims the district court abused its discretion by admitting and considering his juvenile record at sentencing for both of his cases. He argues the State violated the law governing the confidentiality of juvenile records by obtaining his juvenile record without a juvenile court order. And

he asserts his juvenile record consists of impalpable and highly suspect information.


We review a district court's sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). The district court may "consider a wide, largely unlimited variety of information to insure that the punishment fits not only the crime, but also the individual defendant." *Martinez v. State*, 114 Nev. 735, 738, 961 P.2d 143, 145 (1998); *see also* NRS 176.015(6). This includes a defendant's juvenile record, *see Thomas v. State*, 88 Nev. 382, 385, 498 P.2d 1314, 1316 (1972), *see also* NRS 62H.030(3)(b); NRS 62H.170(3), and even hearsay, *see* NRS 47.020(3)(c). However, we "will reverse a sentence if it is supported *solely* by impalpable and highly suspect evidence." *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996).

Prior to sentencing, the district court made specific findings that the State's exhibits could lawfully be disseminated to a court for sentencing purposes, they were relevant to the court's sentencing determination, they were not unfairly prejudicial, and they did not contain impalpable or highly suspect information. And during sentencing, the district court did not just consider Cota's juvenile record, it considered the facts and circumstances surrounding his offenses, the comments and arguments of defense counsel, and all of the evidence that was presented during the hearing.

We conclude the district court properly considered Cota's juvenile record at sentencing, Cota's juvenile record was relevant and did not constitute impalpable and highly suspect information, and the district

court did not rely solely on Cota's juvenile record in reaching its sentencing decision. Accordingly, the district court did not abuse its discretion at sentencing, and we

ORDER the judgments of conviction AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Tao

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

cc: Hon. Thomas W. Gregory, District Judge  
John E. Malone  
Attorney General/Carson City  
Douglas County District Attorney/Minden  
Douglas County Clerk

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<sup>1</sup>The Honorable Michael Gibbons did not participate in the decision in this matter.