

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRANDON BLACK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79515-COA

FILED

AUG 12 2020

ELIZABETH J. ...
CLERK OF SUPERIOR COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Brandon Black appeals from a judgment of conviction entered pursuant a guilty plea of conspiracy to commit robbery, first-degree kidnapping, and robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

Black claims the district court abused its discretion by refusing to award him credit for the time he spent in federal custody because his codefendant's state and federal sentences were imposed to run concurrently and he and his codefendant were similarly situated. Black emphasizes that he is not challenging his judgment of conviction and his underlying sentence.¹

The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). "This discretion enables [it] to 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

¹We note that Black's sentence falls within the parameters of the relevant statutes. *See* NRS 193.165(1); NRS 199.480(1)(a); NRS 200.320(2)(b); NRS 200.380(2).


143, 145 (1998). And because "sentencing is an individualized process . . . , no rule of law requires a court to sentence codefendants to identical terms." *Nobles v. Warden*, 106 Nev. 67, 68, 787 P.2d 390, 391 (1990).

Black was not entitled to credit for his expired his federal sentence. Moreover, the record demonstrates that the district court based its sentencing decision on Black's criminal history, the significant impact his crime had on the victim, the fact that he terrorized and subjected the victim to extremely cruel treatment, and the fact that there were minimal mitigating factors. Given this record, we conclude the district court did not abuse its discretion at sentencing, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Eric Johnson, District Judge
Nevada Defense Group
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk