

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SCOTT BASKETTE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79268-COA

FILED

AUG 28 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Scott Baskette appeals from a judgment of conviction entered pursuant to a guilty plea of three counts of first-degree murder with the use of a deadly weapon. Third Judicial District Court, Lyon County; Leon Aberasturi, Judge.

Baskette claims the district court abused its discretion by implicitly relying upon the sentencing recommendation in the presentence investigation report (PSI) because the sentencing recommendation was based on impalpable or highly suspect evidence. To this end, Baskette argues the Division of Parole and Probation incorrectly scored the Probation Success Probability (PSP) form. Baskette did not object to the PSI or the PSP form during the sentencing hearing.

“A defendant has the right to object to factual or methodological errors in sentencing forms, so long as he or she objects before sentencing, and allows the district court to strike information that is based on ‘impalpable or highly suspect evidence.’” *Blankenship v. State*, 132 Nev. 500, 508, 375 P.3d 407, 412 (2016) (brackets omitted). Because Baskette did not object to the alleged error in the court below, and he has not argued it was plain error in this court, we conclude he has forfeited his claim and

decline to review it on appeal. *See Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (2018).

Baskette also claims “the district court abused its discretion by failing to account for the mitigation evidence.” 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). We will not interfere with the sentence imposed by the district court “[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).

Here, the record demonstrates that Baskette’s sentence falls within the parameters of the relevant statutes. *See* NRS 193.165(1); NRS 200.030(4)(b)(1). Baskette has not demonstrated the district court relied upon impalpable or highly suspect evidence. And the district court considered Baskette’s mitigation evidence and determined that a lesser sentence was not appropriate because of “the number of killings, the locations, the amount of time it took to complete the three murders, the impact on the relatives and the opportunity [Baskette] had to stop before he committed the final murder.” Given this record, we conclude the district court did not abuse its discretion at sentencing.

Having concluded Baskette is not entitled to relief, we
ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Leon Aberasturi, District Judge
Richard P. Davies
Attorney General/Carson City
Lyon County District Attorney
Third District Court Clerk